

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

COMMERCIAL ARBITRATION PETITION NO.31 OF 2024

M/s Samwat Systems Private Limited

....Petitioner

Versus

The State Of Maharashtra & Ors.

....Respondents

Mr. Avinash Joshi *a/w. Ms Neeta Patil i/b. S.R. Nargolkar,*
Advocates for Petitioner.

Mr. A.R. Patil, *Addl.G.P. for Respondent-State.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : OCTOBER 15, 2025

ORDER :

1. By an Order dated November 26, 2024, a Learned Single Judge of this Court was pleased to appoint a sole arbitrator in this Petition. The said order was challenged in the Supreme Court, which was pleased to note that the order was in conflict with the arbitration agreement between the parties, which entailed the appointment of a three-member Arbitral Tribunal.

2. Therefore, the parties were directed to appear before this Court yesterday and to present the names of their respective nominee

arbitrators so that the matter could be disposed of by the Court appointing an arbitrator.

3. Paragraph 8 of the order dated September 22, 2025 passed by the Supreme Court is reproduced below:-

“Finding that the sole Arbitrator has been appointed against the specific clause in the agreement, we set aside the order passed and remand the matter for fresh consideration. We direct the parties to appear on 14.10.2025 before the High Court on which date the matter shall be posted before the Bench having roster. The parties shall ensure that they propose or nominate one Arbitrator each before the High Court on the same date so that the matter can be expedited.”

4. In these circumstances, Learned Additional Government Pleader on behalf of the Respondent-State would submit that the arbitrator nominated by the Respondent is Mr. Behzad Irani, Learned Advocate of this Court. Learned Counsel for the Petitioner would submit that the sole arbitrator who had been appointed by the order dated November 26, 2024 may be treated as its nominee arbitrator.

5. In these circumstances, since both the parties have named their respective arbitrators, the order of the Supreme Court is hereby worked out. The two arbitrators so nominated as recorded above shall appoint a third arbitrator who shall be the presiding arbitrator. The nominee arbitrators are requested to expeditiously select the third arbitrator, preferably within a week after being approached by the parties.

6. It is made clear that while the sole arbitrator appointed by the order dated November 14, 2024 is said to have conducted a few meetings, the arbitration proceedings shall start *de novo* and afresh with the newly constituted three-member Arbitral Tribunal issuing appropriate instructions to the parties on how to proceed in the matter.

7. In these circumstances, this Petition is hereby ***finally disposed of*** in the aforesaid terms.

8. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]