

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 31 OF 2025
WITH
ARBITRATION PETITION NO. 32 OF 2025

M S AE INFRAPROJECTS PRIVATE
LIMITED THROUGH ITS DIRECTOR
MR MUKESH NATHALAL BAROT

...Petitioner

Versus

NAVI MUMBAI MUNICIPAL
CORPORATION THROUGH ITS
MUNICIPAL COMMISSIONER & Ors.

...Respondents

Mr. Sahil Rathod *i/b Nikhil Kulkarni, for Petitioner.*

Mr. Tejesh Dande *for Respondent Nos. 1 and 2.*

Mr. Bandhu Babu Shirose, Dy. Engineer & Mr. Jaideep Mate, Junior Engineer, of Respondent Nos. 1 and 2, present in Court.

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : February 4, 2025

P. C.

1. This is a Petition under Section 11 of the Arbitration and Conciliation Act, 1996 (“*the Act*”).

2. Today, when the matter is called out, Learned Counsel for the parties jointly submit that they have no objection to proceeding to arbitration in respect of all the disputes and differences between the parties. The only

request the Applicant makes is that the arbitrator must be conversant with the law and regulations governing Goods and Services Tax, while the Respondent's Counsel submits that the Respondent would prefer a retired judge of a High Court to be the arbitrator.

3. In these circumstances, this Petition is *finally disposed of* in the following terms :

A] Justice (Retd.) Manoj Sanklecha, Former Judge of this Court is hereby appointed as the Sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of and in connection with the Agreement referred in the Petition. The office address is as under :

311, Churchgate Chambers
5, Sir Vithaldas Thackersey Marg
New Marine Lines
Churchgate
Mumbai- 400 020.

B] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Petitioner within a period of one week from today. The Petition shall provide the contact and communication

particulars of the parties to the Arbitral Tribunal along with a copy of this Order;

C] The Learned Sole Arbitrator is requested to forward the statutory Statement of Disclosure under Section 11(8) read with Section 12(1) of the Act to the parties within a period of two weeks from receipt of a copy of this Order;

E] The parties shall appear before the Learned Sole Arbitrator on such date and at such place as indicated, to obtain appropriate directions with regard to conduct of the arbitration including fixing a schedule for pleadings, examination of witnesses, if any, schedule of hearings etc. At such meeting, the parties shall provide a valid and functional email address along with mobile and landline numbers of the respective Advocates of the parties to the Arbitral Tribunal. Communications to such email addresses shall constitute valid service of correspondence in connection with the arbitration;

F] All arbitral costs and fees of the Arbitral Tribunal shall be borne by the parties equally in the first instance, and shall be subject to any final Award that may be passed by the Tribunal in relation to costs.

4. Needless to say, nothing contained in this order is an expression of an opinion on merits of the matter or the relative strength of the parties. All issues on merits are expressly kept open to be agitated before the arbitral tribunal appointed hereby.

5. 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.]