

PURTI
PRASAD
PARAB

Digitally signed by
PURTI PRASAD
PARAB
Date: 2025.05.02
18:00:44 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO. 45 OF 2025

Palmtree developments Pvt. Ltd.

...Petitioner

Versus

Bhujbal Brothers Construction Company and
Ors.

...Respondents

Mr. Vivek B. Rane *i/b Mr. Ashwinikumar Kapadnis for the
Petitioner.*

Mr. Harshad Sathe *for Respondent No.2.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : MARCH 24, 2025

PC :

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

2. Having heard Learned Counsel for the parties and taking on board consent between Petitioner and Respondent No.2 (Respondent No.1 has remained absent) to proceed to arbitration, no useful purpose will be served in keeping this matter pending any further on the docket of this Court.

3. Consequently, this Petition is hereby finally disposed of in the following terms:-

A] Retired Justice Ms. Shalini Phansalkar Joshi, 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 to above;

Address : Bhagya Chintamani Society, Opp. Kachra Depot,
Paud Road, Kothrud, Pune – 411 038.

Email ID: phansalkarjoshi@gmail.com

B] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Applicant within a period of one week from the date on which this order is uploaded on the website of this Court. The Applicant 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 Advocates for the Applicant so as to enable them to file the same in the Registry of this Court. The Registry of this Court shall retain the said Statement on the file of this Application and a copy of the same shall be furnished by the Advocates for the Applicant to the Respondents;

D] 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;

E] 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.]