
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO.64 OF 2025

Ntex Transportation Services Pvt. Ltd.Petitioner
Versus
M/s. HK Enterprises & Ors.Respondents

AND
ARBITRATION PETITION NO.187 OF 2024
(NOT ON BOARD. TAKEN ON BOARD)

Ntex Transportation Services Pvt. Ltd.Petitioner
Versus
M/S. Om LogisticsRespondent

Mr. K.K. Modi, *Advocate for Respondents (through VC)*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 15, 2025

PC :

1. This Petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (*“the Act”*) seeking appointment of an arbitrator in connection with disputes and differences arising out of an Agreement dated April 15, 2022 (*“Agreement”*). The arbitration agreement is contained in Clause 7 (found at Page 28 of this Petition). In the interest of brevity, the same is not reproduced here. Suffice it to say that the matter falls within the jurisdiction of this Court. Evidently

the seat of arbitration agreed by the parties is Pune, and therefore, it falls within the jurisdiction of this Court.

2. Learned Counsel for the Respondents has entered appearance and objects to the territorial jurisdiction of this Court. According to him, since the entire bundle of facts giving rights to the cause of action relates to the State of Gujarat, the seat of arbitration ought to be regarded as falling in the State of Gujarat.

3. In view of the law declared by the Supreme Court in VGS Soma, it would be possible to deal with the objection taken by the Respondent about territorial jurisdiction. Once the parties have applied their mind and selected a seat of arbitration, the High Court having jurisdiction over such territory in which the seat is located would be the Court under Section 11 of the Act. In these circumstances, no useful purpose would be served in keeping this Petition pending any further in the docket of this Court.

4. In these circumstances, this Petition is *finally disposed of* by referring all disputes and differences covered by this proceeding to arbitration by the Learned Sole Arbitrator hereby appointed in the following terms:-

A] Presolv360, an independent online dispute resolution institution is directed to appoint a sole arbitrator

to adjudicate upon the disputes and differences between the parties arising out of and in connection with the Agreement referred to above and administer the same;

B] The contact particulars of the Director, Presolv360 are set out below:-

Email id : info@presolv360.com

Contact No. : +91-9820167337

Address : 1st Floor, Esperanca Building,
Shahid Bhagat Singh Road,
Colaba, Mumbai – 400 001.

Website : www.presolv360.com

C] A copy of this Order will be communicated to Presolv360 by the Advocates for the Petitioner within a period of one week from the date on which this order is uploaded on the website of this Court. The Petitioner shall provide the contact and communication particulars of the parties to Presolv360 along with a copy of this Order;

D] It is clarified that Presolv360 being an ODR institution, all proceedings will be conducted online through electronic mode, unless otherwise agreed between the appointed Arbitrator and the parties, with appropriate notification to the administration of Presolv360.

E] The administration of Presolv360 is requested to appoint an independent arbitrator in compliance with the Act and its own rules consistent with the Act as soon as possible and in any event within a period of two weeks from receipt of

a copy of this Order;

F] 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 administration of Presolv360 and any other particulars as reasonably requested by the administration. Communications to such email addresses shall constitute valid service of correspondence in connection with the arbitration;

G] All arbitral costs and fees of the arbitration 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; and

H] The seat of the arbitration shall be deemed to be the same as the seat discernible from the Agreement while the arbitration shall primarily be conducted online.

5. 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.

6. **Arbitration Petition No.187 of 2024** is between the same parties and is not on Board today. By consent of the parties, taken on Board. since the nature of the disputes and the nature of objections is

identified, by consent of parties, the matter is taken up and disposed of on the same terms as set out in this order.

7. 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.]