
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 114 OF 2025

B T Kadlag Construction Pvt Ltd Through Director ...Petitioner
Bhairav Trambak Kadlag

Versus

The Nashik District Central Cooperative Bank Ltd ...Respondents
Through Its Administrator & Anr

Mr. Vivek M. Punjabi *a/w. Priyansh R. Jain for the Petitioner.*

Mr. Ronak Utagikar *a/w Mihir Pethe for Respondent No.1.*

Mr. Tanvi Tapkire *for Respondent No.2.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 17, 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 that are said to have arisen between the parties under an agreement dated December 9, 2022. The arbitration agreement is contained in Clause 52 (found at Page 68 of the Petition). In the interest of brevity, the arbitration agreement is not being extracted here. Suffice it to say that this matter falls within the jurisdiction of this Court.

2. After the matter was argued for sometime, Learned Counsel for the parties jointly request that the disputes and differences covered by this proceeding may be referred to resolution by an arbitral tribunal, leaving it open to the parties to seek such interlocutory relief as they may desire from the arbitral tribunal.

3. It is also submitted that they have instructions to record their consent to confirm that the seat of arbitration shall be Mumbai, since the Learned Arbitrator they desire to proceed to, is also a resident of Mumbai.

4. They submit that the Section 9 Petition filed in the District Court, Nashik would be withdrawn and the same would be converted into an Application under Section 17 of the Act for consideration by the arbitral tribunal. Given the efflux of time, the parties would be at liberty to mould, modify the Section 9 Petition as well to cover all subsequent developments for consideration by the arbitral tribunal.

5. With the aforesaid directions, taking on board the consent of the parties to proceed to arbitration as aforesaid, this Petition is finally disposed of in the following terms:-

A) Justice (Retired) Akil Kureshi, a 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;

Office Address:-

617, Raheja Chambers,

Nariman Point, Mumbai.

Email ID: akil.kureshi@gmail.com

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 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 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;

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.

2. 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. 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.]