
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO.224 OF 2025

M/s Dhanraj Global Corporation Pvt. Ltd.Petitioner

Versus

M/s White House Resorts Limited & Ors.Respondents

Mr. Amey C. Sawant *a/w. Neha Parte & Eshwaree Kudalkar,*
Advocates for Petitioner.

Mr. Saurabh Utangale *i/b. Utangale & Co., Advocates for*
Respondents.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : OCTOBER 09, 2025

ORDER :

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 April 25, 2019. The arbitration agreement is contained in Clause 14 (found at Page 85 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. The existence of an arbitration agreement is not in doubt and has not been challenged. However, Learned Counsel for the Respondents would submit that each party has filed a suit and thereby there is an effect of waiver of the arbitration agreement and this should be permitted to be raised as an objection before the arbitral tribunal. Learned Counsel for the Petitioner submits that the suit filed by the Petitioner has been withdrawn and an application under Section 8 has been filed by the Respondents themselves.

3. Leaving this question of waiver of arbitrability open for consideration by the Arbitral Tribunal, without prejudice to the rights and contentions of the parties on merits, the Arbitral Tribunal is hereby appointed.

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

A] Mr. Rajesh Datar, an advocate 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 :- Office - 2, Blaze Business Centre,
First Floor, Birla Mansion,
Near Commerce House,
134, N M Road, Fort,
Mumbai 400 023.

Email :- Email: rajeshdatar@yahoo.co.in

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 of upload of this order. 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 Advocates for the Petitioner 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 Petition and a copy of the same shall be furnished by the Advocates for the Petitioner to the Advocates for 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.

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. 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.]