

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO. 226 OF 2025
AND
ARBITRATION PETITION NO. 227 OF 2025

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Duwell Agency

...Petitioner

Versus

Union of India

Thr. Chief Engineer Pune Zone
and Others

...Respondents

Mr. Rishabh Vakharia, for Petitioner.

Mr. Aamir Qureshi a/w. Smita Thakur, for Respondents in ARP-226-2025.

Ms. Smita Thakur, for Respondents in ARP-227-2025.

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : November 21, 2025

ORDER :

1. Both the captioned proceedings are filed under Section 11 of the Arbitration and Conciliation Act, 1996 (***“the Act”***).

2. In Arbitration Petition No. 226 of 2025, the Agreement is dated July 21, 2018. The arbitration agreement is contained in Clause 7(c) (found at Page 35 of the Petition). In Arbitration Petition No. 227 of 2025, the Agreement is dated September 30, 2015. The arbitration

agreement is contained in Clause 7(b) (found at Page 38 of the Petition). In the interest of brevity, the arbitration agreements are not being extracted here. Suffice it to say that this matter falls within the jurisdiction of this Court.

3. It is apparent from the record that the arbitration agreement was invoked by the Petitioner on January 3, 2020 in Arbitration Petition No. 226 of 2025 and on July 26, 2021 in Arbitration Petition No. 227 of 2025, to each of which there is no reply.

4. It is common ground that the arbitration agreement is in existence. The dispute is about limitation in pursuant to the claim. Keeping all contentions open including the facet of limitation, since both the captioned proceedings are between the same parties, they are *finally disposed of*.

5. The other request on behalf of the Respondent is to pick an arbitrator from the panel curated by the Respondent. Given the time spent in all by the Respondent, the request for arbitration, at this stage, it is considered appropriate to refer the parties to an arbitral tribunal in the following terms :

A] Ms. Prajakta Ranadive, a former civil judge 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. The contact particulars of the arbitrator is set out below :

Office Address – C/o Ganesh Pawar, 8-D-11,
3rd Floor, Bansuri Building, Nadabramh
Society, Warje, Pune – 411 058.

Email – prajaktaranadive@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 Arbitral Tribunal in relation to costs.

6. 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.

7. The captioned proceedings stand *finally disposed of* in the aforesaid terms.

8. In view of the disposal of the proceedings, attendant Interim Applications, if any, also stand *disposed of*.

9. 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.]