
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.13682 OF 2025

IN

COMMERCIAL ARBITRATION APPLICATION NO.23 OF 2024

Supreme Infrastructure India LimitedApplicant/Petitioner

Versus

The Executive Engineer (Nur II) CIDCO & Ors.Respondents

Mr. Udaya Sankar Samudra, for Petitioner.

**Mr. Soham Bhalerao a/w. Harshit Tyagi i/b. DSK Legal, for
Respondent-CIDCO.**

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : DECEMBER 02, 2025

ORDER :

1. By an Order dated September 2, 2025, in view of the Respondents not having nominated an arbitrator, this Court had appointed a nominee arbitrator on behalf of the Respondents. The invocation notice from the Petitioner had named a certain retired Judge as an arbitrator, whereas thereafter, by a letter dated September 7, 2025, a different arbitrator was nominated by the Petitioner.

2. In these circumstances, the Arbitral Tribunal came to be formed by the nominee arbitrator appointed by this Court on behalf of the

Respondents and the subsequently nominated arbitrator recommended by the Petitioner.

3. At a hearing held on October 17, 2025, the Respondents appear to have drawn the attention of the Learned Arbitral Tribunal to the difference in identity of the arbitrator nominated by the Petitioner. This has been taken note of in Paragraph 5 of the Minutes of Meeting of the Learned Arbitral Tribunal held on that date. Jurisdiction under Section 11 was invoked by the Petitioner only because the Respondents had not dealt with their obligations under the arbitration agreement. Whom to nominate as an arbitrator by the Petitioner is entirely a matter of autonomy of the Petitioner. The Petitioner has evidently changed the nominee arbitrator subsequently, to the arbitrator who is currently part of the Learned Arbitral Tribunal.

4. It is clarified that there would be no difficulty if the said Arbitral Tribunal proceeds to conduct the arbitration. Since a request was made by the Learned Arbitral Tribunal to the parties to get this issue clarified by this Court, this order has been passed. I see no infirmity in the Learning Arbitral Tribunal continuing in the matter, in the composition I which it has been constituted.

5. The Interim Application is hereby *finally disposed of*.

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.]