
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
COMMERCIAL ARBITRATION PETITION NO. 14 OF 2025

Arisinfra Solutions Limited

...Petitioner

Versus

Roadway Solutions India Infra Limited

...Respondent

Mr. Vibha Joshi *a/w Mr. Aviral Jain, Ms. Rashi Oswal and i/b M/s. Vesta Legal for the Petitioner.*

Appearance not received for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 8, 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 October 12, 2023. The arbitration agreement is contained in Clause 16 of the Agreement. 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. Today, when the matter is called out, Learned Counsel for the parties jointly submit that they would be agreeable to have all the disputes and differences between them in connection with the aforesaid Agreement 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. Consequently, no useful purpose would be served in keeping this Petition pending any further. However, since Learned Counsel for the Respondent submits that the disputes are eminently capable of being resolved, the effect of this order shall stand deferred by four weeks from the date on this order is uploaded on the website of this Court to enable the parties to have a reasonable opportunity to resolve their dispute. Should they so resolve their disputes, the arbitration need not commence at all but if they are unable to resolve, then parties shall approach the arbitral tribunal appointed hereby.

4. In these circumstances, this Section 11 Petition is hereby ***finally disposed of***, in terms of the following order:

- a) Justice (Retd.) Shalini Phansalkar-Joshi 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;

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- b) A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Petitioner within 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.

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.]