
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
COMMERCIAL ARBITRATION PETITION NO. 37 OF 2025

Mr Bhasker M Shetty ...Petitioner

Versus

Shri Govind Shripati Bodke ...Respondent

Mr. Vipin Kasle, i/b Meena & Sharma, for the Petitioner.

Mr. Sagar M. Kursija, for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.
DATE : DECEMBER 2, 2025

ORDER :

1. This Petition 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 the Leave and License Agreement dated November 17, 2021 (“***Agreement***

2. It is apparent that the arbitration was invoked on December 16, 2024. The invocation notice has been responded by a letter dated January 1, 2025.

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3. As stated in the reply to the invocation notice, it is seen that the parties had agreed on a named arbitrator who is in fact identified in the arbitration agreement. It is the contention of the Learned Advocate for the Petitioner that the named arbitrator is a lawyer who has appeared for the Respondent and that his name was entered at the last moment just before execution, and therefore, there is a conflict of interest. It is stated that the named arbitrator would constitute a unilaterally appointed arbitrator which is not acceptable to the Petitioner.

4. The Learned Advocate for the Respondent strongly contests the insinuation that the named arbitrator is conflicted. Be that as it may, it is apparent that the arbitrator has not yet made his disclosure of interest under Section 12 of the Act inasmuch as upon this Petition being filed, it is stated that no further steps have been taken in the arbitration.

5. In these circumstances, the following order is passed:-

- a) The arbitrator is requested to make a disclosure of interest to the parties within a week of the upload of this order. The parties shall serve this order on the arbitrator immediately upon upload;

- b) Thereafter, if the Petitioner perceives any conflict of interest, he would be at liberty to take out such Application before the arbitrator pointing out that independence and the impartiality of the arbitrator is in doubt;
- c) If the arbitrator himself resigns, the parties shall be at liberty to file appropriate Application in this Court;
- d) On the other hand, if the arbitrator deals with the Application impugning the independence and impartiality on the merits, the parties shall take further steps as may be available to them in law;
- e) In view of the named arbitrator being agreed in the arbitration agreement and such arbitrator in fact having been approached by one of the parties to enter reference, it would not be appropriate to entertain this Petition under Section 11 of the Act.

6. The Petition is ***disposed of*** in the aforesaid terms with the directions and liberty as granted above.

7. 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.]