

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
ARBITRATION PETITION NO. 202 OF 2024  
WITH  
INTERIM APPLICATION NO. 4811 OF 2025  
WITH  
INTERIM APPLICATION NO. 3203 OF 2025  
IN  
ARBITRATION PETITION NO. 202 OF 2024

Ssma Hospitality & Restaurants Pvt. Ltd. Through ...Petitioner  
Director Akash Mani

***Versus***

Host Inn Pvt. Ltd. & Ors ...Respondents

WITH  
COMMERCIAL ARBITRATION PETITION (L) NO. 21284 OF 2025

Mr. Ram Ugrah Singh, a/w Kajal Soni, Ankur Jain, for the  
Petitioner in ARBP/202/2024 & for Respondents in  
CARBPL/21284/2025.

CORAM : SOMASEKHAR SUNDARESAN, J.  
DATE : SEPTEMBER 26, 2025

**ORDER :**

1. These are cross Petitions filed under Section 9 of the Arbitration and Conciliation Act, 1996 (“***the Act***”).

2. Learned Advocates for the parties have consensus to proceed to arbitration converting these proceedings into an Application under Section 17 of the Act. The Section 9 Petition shall be treated as an

Application under Section 17 of the Act by the arbitral tribunal appointed hereby. Given the efflux of time, the Petitioner is at liberty to modify or mould the contents of Section 9 Petition for its consideration as a Section 17 Application. It is for the arbitral tribunal to hear the parties and formulate an appropriate interlocutory arrangement, since both the parties are seeking interlocutory reliefs and the existence of an arbitration agreement is not in doubt.

3. In these circumstances, an arbitral tribunal is hereby constituted by consent of the parties in the following terms:-

A) Mr. Shailesh Shah, Learned Senior 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;

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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 a period of one week from the date of upload of this order. 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.

4. In these circumstances, the captioned Petitions are *finally disposed of* converting both the captioned Petitions into an Applications under Section 17 of the Act. Any Interim Applications therein may be placed before the arbitral tribunal.

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.]**

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September 26, 2025