

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 188 OF 2024
WITH
CHAMBER ORDER (L.) NO. 16901 OF 2024
IN
ARBITRATION APPLICATION NO. 188 OF 2024

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ALD Automotive Private Limited (ALD) ... Applicant
Versus
Sridhar R. Chidumalla ...Respondent

Mr. Saurabh Shrivastava *i/b Shreyas Srivastava, for Applicant.*

None for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : January 8, 2025

P. C.

1. This is an Application filed under Section 11 of the Arbitration and Conciliation Act, 1996 (“***the Arbitration Act***”), seeking to refer disputes and differences between the parties connected with the Master Lease Agreement dated February 18, 2019 (“***Agreement***”) to arbitration. The agreement contains an arbitration agreement in Clause 18. In the interest of brevity, the same has not been extracted herein.

2. Learned Counsel for both sides confirm that the arbitration agreement had indeed been signed and there are disputes and differences between them. However, Learned Counsel for the Respondent submits that

his client has suffered extra-ordinary financial loss and he would not be able to afford arbitration. Regretfully, this would not be a ground for me to disallow the Application being bound by the mandate of Section 11 of the Arbitration Act, in particular, such Section 11(6A).

3. Consequently, the disputes and differences arising from the Agreement shall be referred to a Learned Sole Arbitrator in the following terms :

- a. Mr. Akshay Doctor, an 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. The contact are set out below :

Address : Ground Floor, Oval House, British
Hotel Lane, Kala Ghoda, Mumbai – 400001.
Email id : akshay.r.doctor@gmail.com

- b. A copy of this Order shall be communicated to the Learned Sole Arbitrator by the Advocates for the Applicant within a period of one week from today. The Applicant 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 Arbitration and Reconciliation Act, 1996 to the Advocates for the Applicant so as to enable them to file the same in the Registry of

this Court. The Registry of this Court shall retain the said Statement on the file of this Application and a copy of the same shall be furnished by the Advocates for the Applicant to the Respondents;

- 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; and
 - f. The parties have agreed that the venue and seat of the arbitration will be in Mumbai. It is clarified that it shall be open to the Arbitral Tribunal to conduct the proceedings online through electronic mode.
4. This Application is ***finally disposed of*** in the aforesaid terms.
5. In view of disposal of the Application, pending applications, if any, also stand 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.]