

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

COMM. ARBITRATION APPLICATION NO. 449 OF 2024

Ratansingh And Bros.

...Petitioner

Versus

Union Of India

Through The General Manager
And Anr.

...Respondents

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Mr. Bernardo Reis *a/w. Pratik Dixit i/b Dr. Prem Motiramani, for
Petitioner.*

Mr. Narayan Bubna, *for Respondents.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : March 27, 2025

P. C.

1. This is a Petition under Section 11 of the Arbitration and Conciliation Act, 1996.

2. Learned Counsel for the Respondents highlights Clause 39 of the general conditions of the contract which explicitly provides that claims and disputes involving a value at more than 20 percent of the contract value would not be amenable to arbitration and would fall outside the scope of the arbitration proceedings. He submits a decision dated October 19, 2022 where a Learned Single Judge of this Court was pleased to dispose of a Section 9 Application without appointing an arbitrator and relegating the

parties to civil proceedings making it clear that an objection towards the existence of arbitration clause cannot be taken in such suit.

3. Learned Counsel for the Applicant seeks some time to take instructions and consider decision placed today.

4. Stand over to ***April 4, 2025*** on the ***Supplementary Board***.

5. 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.]