

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

COMMERCIAL ARBITRATION PETITION NO. 426 OF 2025

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Mahavir Sales ... Petitioner
Vs
Marlex Products Ltd (MPL) ... Respondent

WITH
COMMERCIAL ARBITRATION APPLICATION (L) NO. 14826 OF 2025

Mahavir Sales ... Applicant
Vs
Marlex Products Limited .. Respondent

Mr. Kushal B. Harnesha a/w. *Dr. Devendra B. Harnesha*, for
Petitioner /Applicant.

Mr. Dinesh G. Mishra a/w. *Nizzica F. Pinto*, for *Respondent.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : August 1, 2025

Order :

1. Liberty to file Vakalatnama on behalf of the Respondent.
2. 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 February 1, 2021 (*“Agreement”*). The

arbitration agreement is contained in Clause 18 (found at Page 34 of the Petition). 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.

3. It is apparent from the record that the arbitration agreement was invoked by the Petitioner on March 9, 2022.

4. There is no quarrel about the existence of the arbitration agreement or about proceeding to arbitration forthwith in disposal of this Application. In these circumstances, taking the consent of the parties on board, the Application is *finally disposed of* in the following terms :

4.a) Ms. Sushma Nagaraj, a learned 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 particulars of the Arbitrator are as under :

Office Address:- 505, Dalamal Towers, Free Press
Journal Road, Nariman Point,
Mumbai – 400 021. Email –
Email ID: sue.nagaraj@gmail.com

- 4.b) A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Applicant within a period of one week from the date of upload of this order. The Applicant shall provide the contact and communication particulars of the parties to the Arbitral Tribunal along with a copy of this Order;
- 4.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;
- 4.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;
- 4.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. Commercial Arbitration Petition No. 32928 of 2022 (“**Section 9 Petition**”) is filed under Section 9 Petition. Considering the efflux of time since the time the Petition is filed, the Applicant shall be at liberty to update the same or file a fresh application under Section 17 of the Act before the arbitral tribunal constituted hereby. The Section 9 Petition is also ***finally disposed of*** in these terms.

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.]