

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

ARBITRATION PETITION NO. 111 OF 2025
(U/s. 9 of A & C Act, 1996)
WITH
COMM. ARBITRATION APPLICATION (L) NO. 2340 OF 2023
(U/s. 11 of A & C Act, 1996)

Santosh Adukia	...Petitioner/Applicant
<i>Versus</i>	
Bhoomi Shashwat Estate Private Limited & Ors.	...Respondents

Mr. Nikhil Jayakar a/w. *Radhika Kulkarni and Ragini Kamble i/b Dave and Co., for Petitioner/Applicant.*

Mr. Bhavin Bhatia a/w. *Vikas Mishra and Nirav Karia, for Respondent No. 1.*

Mr. Rohit Yadav a/w. *Krutisha Pandey i/b Jeet Gandhi, for Respondent No. 2.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : March 27, 2025

P. C.

1. This Application 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 January 4, 2017. The arbitration agreement is contained in Clause 26 (found at Page 104 of the Application).

2. Today, when the matter is called out, Learned Counsel for the parties jointly submit that they have consensus to proceed to arbitration.
3. Arbitration Petition No. 111 of 2025 (“***Section 9 Petition***”) relates to the very same matter between the very same parties, seeking certain interlocutory protective reliefs. 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.
4. In these circumstances, these proceedings are hereby ***finally disposed of***, in the following terms :
 - A] Ms. Nandita Gopalan, 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;
 - 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 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 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.

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.]