
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 181 OF 2024**

Devashish Polymers Pvt. Ltd. ...Applicant

Versus

Varchasva Energy Pvt. Ltd. ...Respondent

Mr. Sushant Valimbe, a/w Rashmi Nikam, for the Applicant.

None for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 10, 2025

PC :

1. This is an Application under Section 11 of the Arbitration and Conciliation Act, 1996 (“***the Act***”) seeking appointment of an arbitrator in connection with the disputes and differences relating to an agreement dated October 12, 2020. The arbitration agreement is contained in Clause ‘A’ which is at page 43 of the Application. In the interest of brevity the same is not reproduced here.

2. It is seen from the record that the arbitration clause had been invoked, with the disputes and differences being crystallized, which was intimated on September 12, 2023. There has been no response to the

invocation notice by the Respondent. Thereafter, this Application came to be filed and it has been considered on multiple dates, after which it came today for consideration.

3. It is seen from the record that a Learned Single Judge was pleased to permit service by way of a private notice by an order dated January 16, 2024, and a service affidavit to that effect was taken on record on April 23, 2024. Despite notice and despite the matter being listed today, Learned Counsel for the Applicant submits that the Respondent has chosen not to appear.

4. Having seen the material on record, it is apparent that no useful purpose would be served in standing the matter over any further, and the Application deserves to be allowed. Consequently, this Application is disposed of finally in the following terms.

- a) Mr. Abhineet Nitin Pange, 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 particulars of the Sole Arbitrator are as under:-

Mr. Abhineet Nitin Pange,
(MAS/3063/2013)
Add: Office No.33, 2nd Floor,
Nawab Building, D.N. Road,
Fort, Mumbai- 400 001
Email ID: abhineetpange@gmail.com

- 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 Arbitration and Conciliation 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 Respondent;
- 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 a 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.

5. This Application is ***finally disposed of*** in the aforesaid terms.

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.]