

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO.204 OF 2024
WITH
ARBITRATION PETITION NO.575 OF 2024

Spenta Vintage Pvt. Ltd.Applicant/Petitioner
Versus
Evershine No. II CHS. Ltd.Respondent

Mr. Jamsheed Master *i/b Adv. Natasha Bhot, Advocate for Applicant.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 24, 2025

PC :

1. The captioned Application has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (*"the Act"*).
2. Learned Counsel for the parties jointly submit that leaving all contentions open including implications of law governing stamp duty open, they would be willing to proceed to arbitration. Consequently, a detailed order is not being passed with references to the Agreement since parties are *ad idem* that the disputes and differences arising out of the Agreement covered by the pleadings made in the aforesaid two proceedings would stand referred to in terms of their consent to arbitration.

3. In these circumstances, both the Section 11 Application and Section 9 Petition are ***finally disposed of*** in the following terms:-

A] Mr. Rohan Kelkar, a learned advocate of this 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 Petitioner within a period of one week from the date on which this order is uploaded on the website of this Court. The Petitioner 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.

4. Commercial Arbitration Petition No.575 of 2024, which is a Petition filed under Section 9 of the Act relating to the same disputes would stand converted into an application under Section 17 of the Act for immediate consideration by the arbitral tribunal.

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.]