

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

INTERIM APPLICATION (L) NO. 16486 OF 2025
IN
COMMERCIAL ARBITRATION PETITION NO. 233 OF 2025
WITH
COMMERCIAL ARBITRATION APPLICATION NO. 131 OF 2025
(Not on Board)

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Alka Pravin Gopani & 2 Ors.

... Petitioners

Vs.

Sandeep Rasiklal Doshi & Ors.

... Respondents

Mr. Anoop Sharma a/w. *Jesal Shah i/b Daru Shah and Co., for
Petitioners.*

Mr. Piyush M. Shah a/w. *Manisha Jain for Respondent Nos. 1 to 3.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : June 19, 2025

Order :

1. The disputes covered by this Petition are between partners of a partnership firm. It is the case of the Applicant in Interim Application (L) No. 16486 of 2025 that the Respondents have set up a competing and cannibalising business in the form of a Limited Liability Partnership recently, in the teeth of a non-compete clause in the partnership deed which forms subject matter of this dispute.

2. Parties are willing to proceed to arbitration forthwith. The main Petition has remained on the docket of this Court since 2023, and it will only be appropriate that the arbitral tribunal urgently considers any interlocutory

arrangements that may be necessary to protect the subject matter of the proceedings at this stage.

3. Consequently, this Petition is converted into an Application under Section 17 of the Arbitration and Conciliation Act, 1996 (“*the Act*”).

4. Commercial Arbitration Application No. 131 of 2025, which is not listed today, with consent of the parties is also taken up and *finally disposed of* by appointing an arbitrator in the following terms :

A] Mr. Rashmin Khandekar, 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 are set out below :

Office Address:- 2nd Floor, New Wadia Building, Opposite BSE, Dalal Street, Fort, Mumbai 400001.

Email Id : rashmin.khandekar@gmail.com

B] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Petitioners within a period of one week from the date on which this order is uploaded on the website of this Court. The Petitioners 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. The Learned Arbitral Tribunal is requested to convene within a week of being approached pursuant to this order, to schedule a hearing to consider appropriate reliefs under Section 17 of the Act.

7. It shall be open to the Respondents to file an application under Section 16 and it shall be open to the arbitral tribunal to sequence the manner of hearing of the applications. To make it clear, the Arbitral Tribunal is the master of proceedings and it shall be open to the Arbitral Tribunal to deal with the application seeking interlocutory relief as a matter of emergent urgency before determining the application under Section 16 of the Act.
8. With the aforesaid directions, both these proceedings are *finally disposed of*.
9. 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.]