

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION APPLICATION (L) NO.34395 OF 2023

Mahesh Ramesh Madan

....Applicant

Versus

Vaibhav M Patil & Ors.

...Respondents

Mr. Parag S. Mishra *a/w. Niraj Tripathi, Advocate for Applicant.*

Mr. Suresh M. Sabrad *a/w. Mr. Pratik S. Sabrad, Amey C. Sawant and Ms Neha Zanje, Advocates for Respondents.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : FEBRUARY 24, 2025

PC :

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 arising out of Partnership Deed dated February 22, 2012 (***“Agreement”***). The arbitration agreement is contained in Clause 17 of the Agreement (which is found at Page 31 of the Application). Suffice it to say that the matter falls within the jurisdiction of this Court.

2. Today, when the matter is called out, Learned Counsel for the Respondent submits that he would have no objection to proceed to arbitration, but suggests that the arbitrator should be an individual who is financially literate and conversant with accountancy.

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3. In these circumstances, the Application *is finally disposed* of by referring all disputes and differences covered by this proceeding to arbitration by the Learned Sole Arbitrator hereby appointed in the following terms:-

A] Mr. Mihir Naniwadekar, 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 details of the Learned Arbitrator are set out below:-

Address : 812, Embassy Centre,
Jamnalal Bajaj Marg,
Nariman Point,
Mumbai – 400 021.

Email Id : mihir.naniwadekar@protonmail.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 Act to the parties within a period of two weeks from the date on which this order is uploaded on the website of this Court;

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 and;

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. 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.

5. 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.]