
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION APPLICATION NO. 203 OF 2024

KNK Ship Management ...Applicant

Versus

Lakssh Enterprises ...Respondent

Mr. Abhishek Ingale, a/w Pradeep Kumar, i/b C.R. Naidu, 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***”). It is seen from the record that the disputes and differences relate to an agreement dated November 12, 2021, with the arbitration agreement being Clause 34 of the said agreement, which is extracted at page 49 of the Application. In the interest of brevity it is not reproduced here.

2. It is evident that the disputes and differences that have arisen in connection with the agreement led to invocation of arbitration by a letter dated September 20, 2023. Learned Counsel for the Applicant

submits that there has been no response to the invocation letter and thereafter, on multiple occasions, none have appeared when the matter was listed and called out. Eventually, on December 18, 2024, a Learned Single Judge of this Court stood the matter over and made it clear that no further adjournment of the matter would be granted on the ground that the Respondents are not present.

3. Being satisfied that an arbitration agreement is in existence and that disputes and differences have arisen, the Application deserves to be finally disposed of in the following terms:-

a) Mr. Hormaz C. Daruwalla, Senior 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 contacts particulars of an Arbitrator are as under:-

Mr. Hormaz C. Daruwalla,
Add: Behramji Mansion,
3rd Floor, Sir Pherozshaw Mehta Road,
Mumbai- 400 001
Email ID: hormaz@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 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.
4. This Application is ***finally disposed of*** in the aforesaid terms.
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.]