

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION APPLICATION NO. 330 OF 2024

Kumkang Kind India Pvt. Ltd.

... Applicant

Versus

Reliance Astaldi JV

...Respondent

Ms. Yaseen Mohd. Sabir, a/w Neha Dubey, i/b Link Legal, for the Applicant.

Ms. Siddhi Vora, for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 16, 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 between the parties relating to the agreement covered to by this Application.

2. Today, when the matter is called out, Learned Counsel for the parties jointly submit that they have no dispute over the existence of an arbitration agreement or over the existence of disputes thereunder. They leave it to the Court to appoint an arbitrator. Consequently, taking into account inputs from officers of the Court, Ms. Sneha Phene, is hereby appointed as an arbitrator in the following terms:-

- a) Ms. Sneha Phene, 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 an arbitrator are as under:-

Ms. Sneha Phene,

Add: 317-B, New Bak House,

Maharashtra Chambers of Cmmerce Lane,

Kala Ghoda, Mumbai- 400 001

Email ID: sneha.phene@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 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; 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.

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

4. 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.]