

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION APPLICATION NO. 440 OF 2024

Amit Infra Logic India Pvt. Ltd. ...Applicant

Versus

Bharat Petroleum Corporation Limited ...Respondent

Mr. Santosh Kyadiguppi, for the Applicant.

Mr. S.R. Page, a/w Ruchi Umrotkar, Archana Joglekar, for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JULY 15, 2025

ORDER :

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 that are said to have arisen between the parties under an agreement dated September 27, 2018 (***“Agreement”***). The arbitration agreement is contained in Clause 19 (found at Page 30 of the Application). In the interest of brevity, the arbitration agreement is not being extracted here. Suffice it to say that this matter falls within the jurisdiction of this Court.

2. The primary ground of objection from the Respondent is that the arbitration agreement entails a unilateral appointment, and that too by identifying a specific employee of the Respondent to conduct arbitration. Be that as it may, the designated person is in fact an official of the Respondent.

3. In these circumstances, considering that the parties have agreed to proceed to arbitration, taking on record the implications of the approach of the Supreme Court to such unilateral appointments, the defect in the clause would be cured by the Court appointing the arbitrator.

4. In these circumstances, this Application/Petition is hereby ***finally disposed of***, in terms of the following order:

- i) Mr. Phiroze Colabawala, 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;

Office Address:-

Mulla House, 2nd Floor, 51, M.G. Road,

Fort, Mumbai - 400 001.

Email ID: phiroze_c@hotmail.com

- ii) A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Petitioner/Applicant within a period of one week from the date of upload of this order. The Petitioner/Applicant shall provide the contact and communication particulars of the parties to the Arbitral Tribunal along with a copy of this Order;
- iii) 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;
- iv) 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;

- v) 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. 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.]