

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

COMMERCIAL ARBITRATION PETITION NO. 219 OF 2024

AND

COMMERCIAL ARBITRATION PETITION NO. 220 OF 2024

Kalpesh J Palan

...Petitioner

Versus

Meena Alias Harsha A Joshi

...Respondent

Mr. Aditya Udeshi, Counsel, a/w Rahul Sanghvi, i/b M/s. Snajay
Udeshi & Co., for the Petitioner.

Appearance not received for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : SEPTEMBER 23, 2025

ORDER :

1. It is seen from the record that the arbitrator has recused from the matter in view of the allegations being made at the meeting held on August 4, 2023. In November 2023, this Petition has been filed and has been on the docket of this Court since then.

2. Since, it is evident that the arbitration had commenced and the arbitrator has recused himself, it is only appropriate that the substituted arbitrator be appointed forthwith and the substituted arbitrator is appointed in the following terms:-

A) Mr. Shailesh Shah, a Learned 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;

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Alli Chambers, 5th Floor,
Tamrind Lane,
Mumbai 400 023
Email ID: advshaileshshah@gmail.com

B) A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Petitioner within a period of one week from the date of upload of this order. The Petitioner 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.

3. This Petition is ***disposed of*** in the aforesaid terms.

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.]