
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMM. ARBITRATION PETITION NO. 231 OF 2025
WITH
INTERIM APPLICATION (L) NO. 24693 OF 2023**

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Wadhwa Group Holdings Private Limited	...Petitioner(s)
Versus	
SSSC Escatics Private Limited	...Respondent(s)

Mr. Yash Dedhia *a/w. Simantini Baraokar i/b Wadia Ghandy And Co., for
Petitioner.*

Mr. Ashraf Mohammed *i/b Lexicon Law Partners, for Respondent.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : April 1, 2025

P. C.

1. This Petition has been filed under Section 9 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 5, 2012.

2. Today, when the matter is called out, Learned Counsel for the Respondent submits that there is no quarrel in proceeding to arbitration leaving all contentions on merits open, provided it is a sole arbitrator but leaving the identity of the arbitrator to the Court. Learned Counsel for the Petitioner has no objection to the same.

3. Consequently, this Petition is disposed of referring all disputes and differences covered by the Petition to arbitration by a learned sole arbitrator, in the following terms :

A] Justice (Retd.) S.J. Kathawala, a former judge 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;

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 today. 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.

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. This Petition shall be treated as an Application under Section 17 of the Act by the arbitral tribunal appointed hereby. The parties shall approach the arbitral tribunal within one week of this order being uploaded on the website of this Court to take further instructions on how to proceed further. Consequently, this Petition is *finally disposed of* in the aforesaid terms.

6. The Intervener seeks a copy of these proceedings. Although, nothing survives in the intervention in this regard, Learned Counsel for the Petitioner has no objection in giving him a copy of these proceedings. Needless to say, handing over a copy pursuant to this order will not mean any comment on

any entitlement of the intervenor, whether real or perceived.

7. *Ad-interim* arrangement as operating since August 23, 2023, pursuant to an order passed a Learned Single Judge shall continue until the arbitral tribunal has had occasion to convene and consider the Section 17 Application.

8. 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.]