

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
IN
COMM. ARBITRATION PETITION NO. 231 OF 2025

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Wadhwa Group Holdings Private Limited ...Petitioner

Versus

SSSC Escatics Private Limited ...Respondent

Ms. Garima Agrawal *a/w. Yash Dedhia i/b Wadia Ghandy & Co., for
Petitioner.*

Ms. Aayushi Anandpara *a/w., Mohd. Ashraf i/b Lexicon Law Partners,
for Respondent.*

Mr. Mohit Lalwani *a/w. H.G. Khambete, for Applicant in IAL-24693-
2023.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : March 25, 2025

P. C.

1. This is a Petition under Section 9 of the Arbitration and Conciliation Act, 1996 (*"the Act"*).

2. Learned Counsel for the Petitioner in Section 9 Petition submits that the Petition may be converted into an Application under Section 17 of the Act and the parties may be relegated to arbitration. However, the arbitration

agreement between the parties provides for the three member arbitral tribunal and both parties are willing to proceed to arbitration by a sole arbitrator. Learned Counsel for the Respondent seeks some time to take instructions in this regard. She complains that the invocation is two years old. That need not detain this Court's attention any further since the limitation period for filing a Section 11 Application is three years. In any case, the parties are willing to proceed to arbitration, we would consider sending them to arbitration straight away treating the Section 9 Petition as an Application under Section 17 of the Act.

3. In these circumstances, stand over to ***April 1, 2025*** to enable the Respondent to present its say in connection with the proceeding to a sole arbitrator.

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.**]