

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION APPLICATION (L) NO.22722 OF 2025
WITH
COMMERCIAL ARBITRATION PETITION NO.256 OF 2024

Anisha Nayan ShahApplicant/Petitioner

Versus

Ms. Hiralal Kashidas BhajiawalaRespondent

Mr. Nimay Dave *a/w. Sonam Mhatre, Sakshi Mehta & Ayden Pereira i/b. Dhaval Vussonji & Associates, Advocates for Applicant/Petitioner.*

Mr. Sahil Saiyed *a/w. Amit Padwal, Advocates for Respondent.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : OCTOBER 3, 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 the Deed of Partnership dated January 7, 1993 (*“Agreement”*). The Petitioner is the sister-in-law of Respondent Nos.2 and 3. Respondent No.1 is a Partnership Firm.

2. Since the Petition under Section 9 of the Act has been pending on the docket of this Court since 2023, it would be appropriate to allow the

Application under Section 11, directing the parties to proceed to arbitration forthwith, leaving it to the Learned Arbitral Tribunal to take appropriate measures, including appointment of a receiver since it is the case that at least two partners have issued dissolution notices for what is essentially a partnership at will.

3. Meanwhile, it would be appropriate to direct Respondent No.2, who is admittedly running the firm (Respondent No.1) at least since 2022, to provide all audited and unaudited financial statements till date. Such statements shall be delivered to the Petitioner no later than three weeks from today i.e. no later than ***October 24, 2025***.

4. Since the parties have consensus to proceeding to arbitration, an Arbitral Tribunal is constituted in the following terms :-

A] Mr. Ryan Dsouza, 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:- C/o Karl Tamboly,
Office No. 3, 2nd Floor,
Brady House, 12/14,
Veer Nariman Road,
Fort, Mumbai – 400 001.
Email :- ryan.dsouza@outlook.in

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 the date of upload of this order. 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 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.

5. Both the captioned proceedings are *hereby disposed of*.

6. 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.

7. 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.]