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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMM. ARBITRATION PETITION NO. 300 OF 2024

Boxco Logistics India Private Limited

...Petitioner

Versus

Sarr Freight Corporation

...Respondent

Mr. Arjun Amin a/w *Mr. Ranjit Shetty i/b Argus Partners for the Petitioner.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : FEBRUARY 5, 2025

PC :

1. By an order dated October 1, 2020, a Learned Sole Arbitrator came to be appointed by the Learned Single Judge of this Court in exercise of powers under Section 11 of the Arbitration and Conciliation Act, 1996 (*"the Act"*) moved by the same Applicant. Since it took the Applicant, a resort to Section 11 to have the arbitrator appointed, it is apparent that the Respondent has forfeited a right to have the say in who the arbitrator should be.

2. The Learned Sole Arbitrator is now unable to perform as an arbitrator. Consequently, this Application has been taken out. In these circumstances, this Application has been *finally disposed of* in the following terms:-

a) Mr. Ajai Fernandes, 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. The contact particulars are set out below :

Address : Office No. 2, 3rd Floor, Kamanwala Chambers,
Sir P. M. Road, Opp. Bombay Stores, Fort,
Mumbai – 400 001.

Email id : ajai.fernandes@gmail.com

b) A copy of this Order shall be communicated to the Learned Sole Arbitrator by the Advocates for the Applicant within a period of one week from today. 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 Advocates for the Applicant so as to enable them to file the same in the Registry of this Court. The Registry of this Court shall retain the said Statement on the file of this Application and a copy of the same shall be furnished by the Advocates for the Applicant to the Respondents;

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. 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.]