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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO. 98 OF 2025
ALONGWITH
ARBITRATION APPLICATION NO. 20 OF 2025

Birla Edutech Limited

...Petitioner

Versus

Sarojani Educational Trust

...Respondent

Mr. Viraj Parikh *i/b Mr. Indrajeet Hingane for the Petitioner.*
Advocate for Respondent appeared through V.C. but appearance not
tendered.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : MARCH 27, 2025

PC :

1. This is a Petition under Section 9 of the Arbitration and Conciliation Act, 1996 ("the Act") which raises concerns over the Respondent continuing to use the registered trademarks of the Petitioner despite termination of the agreement under which the usage had been licensed. Be that as it may, today when the matter is called out, Learned Counsel for the parties record their consensus on proceeding to arbitration forthwith and for the arbitrator to consider all disputes and differences between them.

2. The Learned arbitrator appointed hereby is requested to convene at the earliest, preferably within two weeks of this order being uploaded on the website of this Court and conduct a hearing on urgent interim reliefs that may be necessary in the matter.

3. In these circumstances, this Petition is finally disposed of in the following terms :

A] Mr. Rashmin Khandekar, 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;

Address : 2nd Floor, New Wadia Building, Opposite BSE,
Dalal Street, Fort, Mumbai – 400 001.

E-mail: rashmin.khandekar@gmail.com

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 on which this order is uploaded on the website of this Court. 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.

4. Arbitration Application No. 20 of 2025 is the connected Application under Section 11 of the Act. Since the parties have consented to proceed to arbitration, this Application is taken on board and by consent of the parties, disposed of in the above terms.

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.]