

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

ARBITRATION PETITION NO. 266 OF 2024

Mr. Liyakat Ali
s/o. Kasam Abdullah Mistry
and another

...Petitioners

Versus

Mr. Firoz s/o. Ayub Kasam Mistry
and another

...Respondents

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Adv. Iram Memon, for Petitioners.

Mr. Mohamed Zain Khan a/w. Sumas Patel i/b One Legal, for Respondents.

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : November 6, 2025

ORDER :

1. After the matter was argued for some time, it is apparent that both parties are keen to continue with the arbitration. The mandate of the arbitrator expired on October 13, 2023. Neither party has sought an extension of mandate under Section 29-A of the Arbitration and Conciliation Act, 1996 (“***the Act***”).

2. Although this Petition has been filed invoking Section 14 of the Act on an already expired mandate, Learned Advocates for both parties have consensus that it may be treated as a Petition under Section

29-A of the Act, and that without any comment or remark on the allegations and insinuations made in respect of the conduct of the arbitration proceedings, the parties are willing to proceed further with arbitration by a substitute arbitrator. In these circumstances, substitute arbitrator is appointed in the following terms :

(a) Mr. Mutahhar Khan, an advocate of this Court is appointed as substitute arbitrator to take over the matter.

The contact particulars of the arbitrator is set out below :

Office Address : C/o Sharan Jagtiani,
Ground Floor, Oval House, British Hotel
Lane, Fort, Mumbai – 400 001. Email :
mutahhar.m.khan@gmail.com

3. Learned Arbitrator appointed hereby shall take over the proceedings from the stage at which they were as of June 28, 2023, the last meeting held by the Learned Arbitral Tribunal. ***Finally disposed of*** in the aforesaid terms in exercise of powers under Section 29-A(6) of the Act by consent of the parties.

4. Nothing in this order is an expression of an opinion on the merits of the contentions of the parties in respect of the conduct of arbitration.

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.]