
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 367 OF 2024

TTE Technology India Pvt. Ltd. ...Petitioner

Versus

Blue Line Logistics & Warehousing LLP ...Respondent

Mr. Ziyad Madon, a/w Siddhant Trivedi, i/b The Law Point, for the Petitioner.

Mr. Munaf Virjee, a/w Tritha Mukherjee, i/b AMR Law, for Respondent No.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 7, 2025

PC :

1. This is a Petition under Section 9 of the Arbitration and Conciliation Act, 1996 (“***the Act***”) seeking certain interim reliefs ahead of initiating arbitration. Learned Counsel for the Petitioner submits that although the arbitration agreement has been invoked, the arbitrator has not been appointed either by consent of the parties or pursuant to invocation of Section 11 of the Act.

2. Today, when the matter is called out, Learned Counsel for the Respondent submits that disputes and differences under another agreement between the same parties in connection with similar services,

namely, electronic goods manufactured by the Petitioner and stored in warehouses managed by the Respondent, is subject matter of arbitration before Mr. Aseem Naphade, a Learned Advocate of this Court, who is conducting arbitration proceedings. The contact particulars of the arbitrator are as under:-

Mr. Aseem Naphade
Mobile No.: 9920030695
Add: 31, Shanti Building, 3rd Floor, Banaji Street,
Fort, Mumbai- 400 001
Email ID: aseem1112@gmail.com

3. Since the arbitration proceedings that are on-going before the Learned Sole Arbitrator in the other matter pertains to the very same activity, namely, warehousing of goods manufactured by the Petitioner, I put to the Learned Counsel for the Petitioner, if he would be willing to proceed with arbitration before the same Learned Sole Arbitrator, treating this Petition under Section 9 of the Act as an Application under Section 17 to be considered in accordance with the Act by the same Learned Sole Arbitrator.

4. Learned Counsel for the Petitioner does not have instructions to consent to the identity of the arbitrator, but leaves it to the Court to appoint such arbitrator as the Court deems fit. However, he confirms

that the present proceedings may be sent to arbitration and the Petition under Section 9 of the Act may be treated as an application under Section 17 before the arbitrator appointed by the Court, so that the matter could be taken up by the arbitral tribunal that is eventually appointed either by this Court under Section 11 or by consent of the parties.

5. Since identical services which have led to disputes and differences between the parties in respect of other agreements are already subject matter of the arbitration proceedings currently being conducted by the aforesaid Learned sole Arbitrator, it would be in the fitness of things to refer this matter to the same Learned sole Arbitrator, for him to conduct proceedings in respect of the disputes and differences forming the subject matter of this Petition. Since Learned Counsel for the Petitioner has fairly left it to the Court to appoint the arbitrator, Mr. Aseem Naphade is hereby appointed as the Learned Sole Arbitrator to conduct the arbitration proceedings relating to the disputes and differences covered by this Petition as well.

6. Since it is apparent that the disputes are in the nature of commercial disputes. It is hoped that these proceedings would be dealt with due dispatch. Learned Counsel for both the parties assure that they

shall extend all co-operation to the arbitrator to complete the proceedings within appropriate timelines. It is solely left to the discretion of the Learned Arbitrator as to how to achieve efficiency of scale and to use the ongoing proceedings to expedite the resolution of disputes covered by this Petition as well.

7. In these circumstances and in the aforesaid terms, this Petition is disposed of finally. Both the parties shall write to the Learned Sole Arbitrator seeking an appropriate time for conducting the first meeting after which the arbitrator shall give appropriate directions to the parties.

8. This Petition is ***disposed of finally*** in the aforesaid terms. No costs.

9. 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.]