

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

**ARBITRATION PETITION NO.560 OF 2024
WITH
COURT RECEIVER'S REPORT NO.126 OF 2025
IN
ARBITRATION PETITION NO.560 OF 2024
WITH
ARBITRATION APPLICATION (L) NO.3293 OF 2025**

Tulsidas Khimji Warehousing Private Limited	Petitioner
Versus	
Vrutik Bhatt	Respondent

**WITH
INTERIM APPLICATION (L) NO.7697 OF 2025
IN
ARBITRATION PETITION NO.560 OF 2024**

Ibrahim Mohamad Shaikh	Applicant
Versus	
Tulsidas Khimji Warehousing Private Limited	Respondent

Mr. Jaineel Vashi *i/b. M.P. Vashi & Associates, Advocates for Petitioner in ARBP/560/2024 and for Applicant in ARBAPL/3293/2025.*

Mr. Ibrahim Mohamad Shekh, *in person present.*

Mr. Rahul S. Powar, *Representative of Court Receiver.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : OCTOBER 17, 2025

ORDER :

INTERIM APPLICATION (L) NO.7697 OF 2025

1. None appeared initially in this Application. By an Order dated June 16, 2025, the intervener was permitted to take out all his goods no later than June 13, 2025. However, it appears that the intervener has chosen not to take out all the goods. Consequently, liberty granted on June 16, 2025 has worked itself out and nothing survives in this Interim Application.
2. Thereafter, after the order was dictated a party in person explained that he is the transporter whose goods are stored in the godown. Purely as a last chance, he is given liberty to remove his goods within a period of two weeks from the upload of this Order.
3. The Interim Application is hereby *finally disposed of* in the aforesaid terms.
4. The Court Receiver stands discharged without passing accounts on payment of costs, charges and expenses by Petitioner in accordance with the rules.
5. *Arbitration Application (L) No.3293 of 2025* is filed under Section 11 of the Arbitration and Conciliation Act, 1996 (*"the Act"*) and Arbitration Petition No.560 of 2024 is filed under Section 9 of the Act.

Since a similarly placed matter has already been assigned to a specific arbitrator, it would be appropriate to assign this matter to the same Arbitrator, which would achieve economies of scale.

6. ***Arbitration Petition No.560 of 2024 (“Section 9 Petition”)*** relates to the very same matter between the very same parties, seeking certain interlocutory protective reliefs. The Section 9 Petition shall be converted into an Application under Section 17 of the Act by the arbitral tribunal appointed hereby. Given the efflux of time, the Petitioner is at liberty to modify or mould the contents of Section 9 Petition for its consideration as a Section 17 Application.

7. In these circumstances, both the Section 11 Application as well as Section 9 Petition are hereby ***finally disposed of*** in terms of the following order : -

A] Ms. Maithili Parikh, an 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 Zal Andhyarujina, 302,
Mistry Mansion, MG Road, Fort,
Ahead of Kandeel Restaurant,
Mumbai – 400 001.

Email ID: maithili.sparikh@gmail.com

B] A copy of this Order will be communicated to the

Learned Sole Arbitrator by the Advocates for the Petitioner within a period of one week from the date of upload of this order. The Petitioner 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.

8. 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.

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.]