

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 580 OF 2024

Saloja & Sons

...Petitioner

Versus

Union Of India Represented Through Its The
General Manager

...Respondent

Mr. Bernardo Reis, a/w Pratik Dixit, i/b Dr. Prem S. Motiramani,
for the Petitioner.

Mr. Narayan Bubna, for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.
DATE : JULY 2, 2025

PC :

1. This is the case where arbitration was conducted and the award came to be set aside. Consequently, owing to the subsisting arbitration agreement, proceedings needed to be recommenced. The statement of claim was filed way back on October 22, 2018. Till date, the statement of defence has not been filed. The arbitrator has also not taken any steps to remind the parties or to terminate the reference. In these circumstances, the Respondent was asked to ascertain the status of the arbitration. The aforesaid position has been confirmed.

ASHWINI
JANARDAN
VALLAKATI

Digitally signed by
ASHWINI JANARDAN
VALLAKATI
Date: 2025.07.08
16:09:15 +0530

2. Consequently, the arbitral tribunal is hereby substituted in the following terms, taking note of the fact that the person picked by the Petition from the list maintained from the Respondent is also a former officer of the same rank as the earlier arbitrator.

A) Mr. Sunil Kumar Sood, (Retired GM of Central Railway, 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;

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.

3. The arbitrator is requested to convene at the earliest and deal with these proceedings, considering that this would be the third round of a tribunal being formed for the very same dispute.
4. This Petition is ***finally disposed of*** in the aforesaid terms.
5. 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.
6. 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.]