

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO.6 OF 2025

Sany Heavy Industry India Pvt. Ltd.

...Petitioner

Versus

Prakash Kumar Yadav & Anr.

....Respondents

Ms Bijal K. Gogri *i/b. GNP Legal, Advocate for Petitioner.*

None for Respondent.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 15, 2025

PC :

1. This Application has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (***“the Act”***) seeking appointment of an arbitrator in connection with disputes and differences arising out of a Conditional Sale Agreement (***“Agreement”***) dated February 8, 2021.

2. It is seen from the record, that the parties indeed executed the arbitration agreement, which is contained at Clause 16.4 of the Agreement (page 45 of the Application). In the interest of brevity, the arbitration agreement is not extracted herein. Suffice it to say, that the matter falls within the jurisdiction of this Court.

3. It is apparent from the record that arbitration clause under the agreement had been invoked by a letter dated July 24, 2024. There has been no response to the invocation notice. Likewise, it is apparent from the material on the record that these proceedings have also been served on the Respondent and a service report forms an integral part of the record.

4. In these circumstances, I see no reason to hold up this Application any further. Consequently, the following order is passed :-

a) Mr. Vivek V. Kabade, 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. The contact details of the Learned Sole Arbitrator are set out below:-

Address : Office No.15, 1st Floor,
Barve Memorial Complex,
Opp to Hotel Panchali,
Shivaji Nagar, JM Road,
Pune – 411 005.
Email : vivekkabade2007@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 today. 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 Arbitration and Conciliation Act, 1996 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 Advocates for the Respondent;

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; and

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.

5. The Application is ***finally disposed of*** in the aforesaid terms.

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.]