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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 36 OF 2025

Kantar IMRB A Division of Hindustan Thompson Associated Private Limited ...Applicant

Versus

Zirca Digital Solution Private Limited and Ors. ...Respondents

Mr. Amol V. Kumeria *a/w Mr. Sudhanshu Tiwari for the Applicant.*
Mr. Sahil Gandhi *i/b Markand Gandhi & Co. for Respondent No.1 to 3.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : MARCH 12, 2025

PC :

1. This is an Application under Section 11 of the Arbitration and Conciliation Act, 1996 (“***the Act***”).

2. Learned Counsel for the Respondents primarily submits that the Directors of Respondent No.1 have also been made party and they cannot be said to be signatories to the arbitration agreement. Be that as it may, this is the matter that falls in the domain of the Arbitral Tribunal. The parties shall be at liberty to make submissions about the necessity of joining any party and the Tribunal shall deal with the same in accordance with the law.

3. In these circumstances, I am of the view that no useful purpose will be served by keeping this Application pending on the docket of this Court. Since there is consensus on proceeding to arbitration subject to

leaving the issue of joinder of parties open for consideration by the Arbitral Tribunal, this Application is ***finally disposed of*** in the following terms:-

A] Mr. Siddhesh Bhole, learned 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;

Address : 3rd Floor, Buona Casa, Near Kashmir Emporium,

P.M. Road, Mumbai – 400 001.

E mail ID.: siddhesh@ssbadvisory.in

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 Act 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 Respondents;

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.

4. 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.]