
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 39 OF 2025

TTE Technology India Pvt. Ltd. ...Applicant

Versus

Sumit Garg ...Respondent

Mr. Ansh Karnawat, i/b Sanjeet Shukla, for the Applicant.

Mr. Ashok Sarogi, for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : FEBRUARY 21, 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 that are said to have arisen between the parties under an agreement dated January 8, 2021.

2. At the threshold, Learned Counsel for the parties jointly submit that they would be willing to proceed to arbitration before a Sole Arbitrator although an arbitration agreement between them entails a three-member arbitral tribunal.

3. However, Learned Counsel for the Respondent submits that all issues may be left open, including the issue of the very

maintainability of arbitration proceedings for the arbitral tribunal to consider, since according to him it is the Small Causes Court that has exclusive jurisdiction in the matter. Needless to say, the arbitral tribunal has the power to rule on its own jurisdiction under Section 16 of the Act.

4. In these circumstances, taking on board the consent of the parties to proceed before a Learned Sole Arbitrator, leaving open all questions of law including the question of jurisdiction under Section 16 of the Act, this Application is ***finally disposed of*** in the following terms:-

A] Mr. Mandar Soman, a 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;

B] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Applicant within one week from the date on which this order is uploaded on the website of this Court. 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 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.

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.]