
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
ARBITRATION APPLICATION NO. 40 OF 2025

Automark Industries India Pvt Ltd ...Applicant

Versus

National Securities Depository Limited ...Respondent

Ms. Ashmita Goradia *i/b Vidhi Mehta for the Applicant.*

Mr. Parikshit Pania *a/w Ms. Prachi Singh i/b Clove Legal for Respondent.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 29, 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 said to have been executed between August and September 2011. The arbitration agreement is contained in Clause 30 (found at Page 34 of the Application). In the interest of brevity, the arbitration agreement is not being extracted here. Suffice it to say that this matter falls within the jurisdiction of this Court.

2. Learned Counsel for the Respondent submits that the disputes are eminently capable of being settled but he would need instructions in this regard from the Respondent and its internal decision-making processes would take time. The parties record that considering the scale of the dispute they would be willing to proceed to arbitration by a sole arbitrator appointed by this Court, should they not settle the dispute.

3. In these circumstances, taking into the scale involved and the parties' request, considering the serious expense that would be involved in a three-member arbitral tribunal the it would be appropriate to ***finally dispose of*** these proceedings in the following terms:

a) Mr. Monil Punjabi, 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 Vishal Kanade, 103,
Gundecha Chambers,
Fort, Mumbai- 400 023

Email ID: monilpanjabi@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 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.

4. However, the effect of this order is hereby deferred by a period of six weeks from the upload of this order, so that the parties have a fair chance at resolving their dispute. If the disputes do not stand resolved, the arbitration shall proceed in terms of this order.

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.]