
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 61 OF 2025

Balajee Infratech and Construction Pvt Ltd ...Applicant

Versus

M/s Pannu Infra Pvt Ltd ...Respondent

Mr. Choudhari M., i/b Mehul Thakkar, for the Applicant.

Mr. Keegan Almeida, for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JULY 2, 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 agreements dated September 12, 2022 and February 13, 2023 (***“Agreements”***). The arbitration agreement is contained in Clause 21(b) and 21(c) (found at Page 47 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.

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2. Learned Counsel for the Respondent submits that they would nominate J. Arvind Singh Sangwan, Judge (Retd.), Allahabad High Court, as a nominee arbitrator. Since the Applicant has already nominated an arbitrator, the two arbitrators so nominated would appoint the third arbitrator, who shall be the presiding arbitrator. Consequently, nothing survives in this Application.

3. Considering the expense involved in conducting arbitration through a three-member arbitral tribunal, if at all the parties were desirous of having the arbitration conducted by a Sole Arbitrator, it would be totally up to them to engage with each other and amend the arbitration agreement, which currently provides for a three-member arbitral tribunal. This Court would not be in a position to impose a change in the strength of the arbitral tribunal upon the parties.

4. Taking note of the aforesaid nomination, the Application is *finally disposed of*.

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.]