
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 182 OF 2024

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KAMLESH
TALEKAR

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Date: 2025.02.24
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CBRE South Asia Pvt. Ltd.

...Applicant

Versus

Omkar Realtors & Developers Pvt. Ltd.

...Respondent

Ms. Akshata Katara *i/b Asahi Legal, for Applicant.*

Mr. Harris Reshamwala *i/b Diamondwala & Co., for Respondent.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : February 17, 2025

P. C.

1. This is an Application 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 August 1, 2017 (“***Agreement***”).

2. The Respondent has admitted the existence of an arbitration agreement. The Petitioner issued an Invocation Notice on October 30, 2023 at Page 101 to which the Respondents filed their interim reply on December 7, 2023, denying each and every allegation and contention raised in the invocation notice.

3. Today, when the matter is called out, Learned Counsel for the parties jointly submit that they have consensus to proceed to arbitration. In these circumstances, all the disputes and differences between them in connection with aforesaid agreement which is covered by an arbitration agreement contained in Clause 25 at Page 46, is hereby referred to arbitration by a sole arbitrator appointed by the Court, leaving it open to the parties to seek such interlocutory relief as they may desire from the arbitral tribunal.

4. In these circumstances, these proceedings are hereby *finally disposed of* in terms of the following order:

A] Mr. Ranjeev Carvalho, 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. His contact details are as follows :

Office Address:- 302, Oval House, 3rd Floor,
British Hotel Lane, Nagindas Master Road,
Fort, Mumbai 400 023.

Email ID: ranjeev.carvalho@gmail.com

Telephone No. : 022-2262049; 022-22620492.

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;

E] 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;

F] 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.]