
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO.234 OF 2024

Blacklion Translinks Pvt. Ltd.Applicant
Versus
Big Charter Pvt. Ltd. ...Respondent

Mr. Omkar Nevgi, *Advocate for Applicant.*

None for the Respondent.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : MARCH 24, 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 arising out of an Agreement dated January 9, 2023 (***“Agreement”***). The arbitration agreement is contained in Clause H (found at Page 38 of the Application). In the interest of brevity, the same are not reproduced here. Suffice it to say that the matter falls within the jurisdiction of this Court.

2. A Legal Notice dated October 26, 2023 was issued on behalf of the Applicant to the Respondent. In response, the Respondent recommended proceeding to arbitration by a letter dated November 9,

2023, to which there is a reply dated January 1, 2024 in fact also recommends appointment of an arbitrator.

3. Since both parties have evidently admitted the existence of the arbitration agreement and expressed willingness to proceed to arbitration, considering the scope of my jurisdiction under Section 11(6A) of the Act, as interpreted by the Supreme Court, no useful purpose would be served by keeping this Application pending any further on the docket of this Court.

4. In these circumstances, the Application is *finally disposed of* by referring all disputes and differences covered by this proceeding to arbitration by the Learned Sole Arbitrator hereby appointed in the following terms:-

A] Justice Akil Kureshi (Retired Chief Justice) 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. The contact details of the Learned Arbitrator are as under. The detailed the Learned Arbitrator are as under :-

Office at 617, Raheja Chambers,
Nariman Point,
Mumbai.
Email id : akil.kureshi@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 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 Arbitration 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 Respondent;

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 and;

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.]