
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO. 240 OF 2024

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J K Infra Utilities Pvt. Ltd.

...Applicant

Versus

Neuzen Realtors LLP & 2 Ors.

...Respondents

Mr. Rajiv Hing, a/w Mr. Deepraj Shetye for the Applicant.

None for Respondents.

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : March 3, 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 view of the termination of the mandate by the arbitrator.

2. This is a matter where Learned Sole Arbitrator has terminated the mandate since he had been unilaterally appointed by the Applicant. It is seen from an order dated October 27, 2023 (found at Page 117 of the Application), that the an arbitral reference stood terminated. Consequently, this Application came to be filed seeking appointment of an arbitrator in view of the termination of the mandate by the unilaterally appointed arbitrator.

3. In these circumstances, although Section 11 is being quoted, in substance, the power invoked is for the substitution of the arbitrator. Since service is complete, no use purpose would be served in keeping this Application pending any further on the docket of this Court.

4. In these circumstances, the Arbitral Tribunal is reconstituted in the following terms :

A] Ms. Gulnar Mistry, a learned advocate of this Court is hereby appointed as the Substitute 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 Arbitrator is as under :

Office Address:- 1st floor, infinity (formerly known as Ramnimi Fort), Cawasji Patel Street, Bombay 400 001.

Email: gm@mistrychambers.com

B] A copy of this Order will be communicated to the Arbitral Tribunal 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 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 Respondents;

D] The parties shall appear before the Arbitral Tribunal 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.]