

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**ARBITRATION APPLICATION NO.335 OF 2024**

|                         |                |
|-------------------------|----------------|
| Bipin Bindra            | ...Applicant   |
| Versus                  |                |
| Nirmeet Kacheria & Ors. | ...Respondents |

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**Mr. Aliabbas Delhiwala** *a/w. Anirudh Bhalwal & Sabir Merchant  
i/b. Vyas & Bhalwal, Advocates for Applicant.*

None for the Respondents.

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**CORAM: SOMASEKHAR SUNDARESAN, J.**

**DATE : MARCH 13, 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 January 3, 2023 and April 10, 2024 (***“Agreement”***). The arbitration agreement is contained in Clause 18.2 (found at Page 50-51 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. Service affidavit tendered by the Learned Counsel for the Applicant dated March 13, 2025 is taken on record. It is evident that the Respondent has indeed been served. Disputes and differences relate to an agreement dated January 3, 2023. In these circumstances, no useful purpose will be served by keeping this proceeding pending on the docket of this Court any further.

3. In these circumstances, this 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 Anuja Prabhudessai, former judge 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.

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.

4. 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.

5. 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.]**