

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION APPLICATION NO.34 OF 2025

Hi Tech Radiators Pvt. Ltd.

...Applicant

Versus

M S Blue Wave Creation

...Respondent

Mr. Gauraj Shah a/w. Ms. Bhuneshwari Kanojia i/b SN Juris for the Applicant.

Mr. Krushang Kedia i/b Girish Kedia for the Respondent.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE: JANUARY 24, 2025

PC :

1. This is an Application under Section 11 of the Arbitration and Conciliation Act, 1996 (“*the Act*”) seeking reference of disputes and differences between the parties in relation to an agreement dated April 1, 2024, annexed to the Application.

2. Today, when the matter is called out, Learned Counsel for the parties jointly submit that there need be no adjudication about the existence of the Arbitration Agreement and they are willing to refer all disputes and differences to arbitration by Mr. Ziyad Madon, a Learned Advocate of this Court, who shall act as a Sole Arbitrator to adjudicate disputes and differences between the parties. Consequently, taking into

account inputs from the officers of the Court this Application is *finally disposed of* in the following terms:

A] Mr. Ziyad Madon, an 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;

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Mumbai- 400 001.

E-mail- ziyad.madon @gmail.com

B] A copy of this Order shall be communicated to the Learned Sole Arbitrator by the Advocates for the Applicant within a period of one week from the time this order is uploaded on this Court's official website. 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;

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;

H] 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.

3. 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.]