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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION APPLICATION NO. 63 of 2025
WITH
COMMERCIAL ARBITRATION APPLICATION NO. 65 of 2025

PUSHKARAJ ISPAT INDIA LLPApplicant

Versus

HELLA INFRA MARKET METAL PVT LTDRespondent

Mr. Chaitanya Nikte *a/w. Burzin Bharucha, Sanjay Rego, for Applicant.*

Mr. Aman Marwah *i/b Indus Law, for Respondent.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : January 24, 2025

P. C.

1. This is a Petition under Section 11 of the Arbitration and Conciliation Act, 1996 (***the Act***).
2. This matter has been auto-listed under the Standard Operating Procedure of this Court.
3. Today, when the matter is called out, Learned Counsel for the parties jointly submit that they are willing to proceed to arbitration before the Sole Arbitrator to which they consent.

4. In these circumstances, they submit that the contentions in Arbitration Petition No. 65, 2025, which is filed under Section 9 of the Act, may be treated as an Application filed under Section 17 of the Act, before the arbitral tribunal hereby appointed. Without expressing any opinion on merits, both the aforesaid proceedings are hereby *finally disposed of*, in the following terms :

5. In these circumstances, the following order is passed :

- a. Mr. Surel Shah, Senior 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. Email address is :

Email id : surelshah@yahoo.co.in

- 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 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 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;

- 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.

6. Needless to say, the parties are at liberty to modify and mould the contents of the submissions that they make when they present the arbitral tribunal with their Applications under Section 17 of the Act.

7. 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.]