

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION APPLICATION NO.65 OF 2025

M/s. Tata Motors Limited

...Applicant

Versus

The Director, Animal Husbandry

Department, State of Andhra Pradesh

...Respondent

Mr. Aditya Khandeparkar a/w. *Mr. Gaurav Patole & Ms Janhavi Patadia i/b. Khandeparkar Law Office, Advocates for Applicant.*

None for the Respondent.

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 arising out of Agreement dated September 8, 2022 (***“Agreement”***). The arbitration agreement is contained in Clause 23 (found at Page 111 of this 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. Service Affidavit tendered by the Learned Counsel for the Applicant dated February 5, 2025 is taken on record. It is evident that service has been effected. It is also seen from the record that the Respondent has not denied the existence of an arbitration agreement. Consequently, no useful purpose would be served in keeping this Application pending any further in the docket of this Court.

3. Since the Applicant is already nominated an arbitrator, the nominee arbitrator of the Respondent is hereby appointed. Justice (Retd.) Shri. Tarun Agarwala, former Chief Justice of Meghalaya High Court shall be the nominee arbitrator appointed by this Court on behalf of the Respondent. The two nominee arbitrators hereto appointed shall appoint the presiding arbitrator preferably within a period of three weeks from today. The parties shall approach the Arbitral Tribunal so constituted for further instructions in the matter.

4. 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 (Retd.) Tarun Agarwala, a former Chief Justice of the Meghalaya High 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 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 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.]