

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
IN ITS COMMERCIAL DIVISION**

**COMM. ARBITRATION APPLICATION NO. 67 OF 2025**

K K Nirman and Infrastructure LLP

...Applicant

*Versus*

Praveen Madanlal Thapar & 2 Ors.

...Respondents

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**Mr. Hemant Prakash Ghadigaonkar** *a/w. Om Gandhi, for Applicant.*

**Mr. Anurag R. Mishra** *a/w. Avinav S. Rau i/b Arjun Pawar, for Respondents.*

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**CORAM : SOMASEKHAR SUNDARESAN, J.**

**Date : March 27, 2025**

**P. C.**

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 the Development Agreement dated March 6, 2020 (***“Agreement”***).

2. Learned Counsel for the Respondents submits that he has no objection to proceed to arbitration since the existence of the arbitration agreement is not in dispute. Therefore, all disputes and differences covered by this

Application are hereby referred to arbitration by sole arbitrator, by consent, leaving all contentions open.

3. In these circumstances, this Application is hereby *finally disposed of*, in the following terms:

A] Mr. Monil Punjabi, 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. The contact particulars are as under :

Office Address : Chambers of Advocate Vishal  
Kanade, 103, Gundecha Chambers, 9, Nagindas  
Master Road, Fort, Mumbai 400 023.  
Mobile No. 91 9224426201

B] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Petitioner within a period of one week from the date on which this order is uploaded on the website of this Court. The Petitioner 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.

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.]**