

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION APPLICATION NO.88 OF 2025

Vikram Chinubhai Shah

...Applicant

Versus

Riva Trindade & Ors.

...Respondents

Mr. Gouresh Mogre, *Advocate for Applicant.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 4, 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 an Agreement dated September 17, 2006 (***“Agreement”***). The arbitration agreement is contained in Clause 14 (found at Page 28 of the Application). In the interest of brevity, the same is not reproduced here. Suffice it to say that the matter falls within the jurisdiction of this Court.

2. Learned Counsel for the parties submit that they have no quarrel about proceeding to arbitration. In fact, Learned Counsel for the

Respondents accepts the arbitrator's name in the invocation notice dated August 10, 2024, which is Mr. Nitin Sardesai, Senior Advocate of this Court. The parties having consensus over proceeding to arbitration and also as to the identity of the arbitrator, no useful purpose would be served by keeping this Application pending any further on the docket of this Court.

3. Learned Counsel for the Respondents also submits that the disputes eminently kept to have been settled. In these circumstances, the effect of this order is effected by a period of four weeks from the upload of this order on the website of this Court. Should the parties settle their dispute before such date, needless to say, they need not commence proceedings before the arbitrator appointed hereby.

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] Mr. Nitin Sardesai, 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.

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.

F] It is clarified for avoidance of doubt that the seat and venue of arbitration is Mumbai as agreed in the arbitration agreement.

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.]