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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMM. ARBITRATION APPLICATION NO. 116 OF 2025

Tata Motors Finance Limited ...Applicant

Versus

Adrika Motors Private Limited ...Respondent

ALONGWITH
COMM. ARBITRATION APPLICATION (L) NO. 36335 OF 2024
ALONGWITH
COMM. ARBITRATION APPLICATION (L) NO. 36336 OF 2024
ALONGWITH
COMM. ARBITRATION APPLICATION (L) NO. 36337 OF 2024
ALONGWITH
COMM. ARBITRATION APPLICATION (L) NO. 36342 OF 2024

Advocate for the Applicant appeared but appearance not tendered.
Mr. Anish Sharma for the Respondent in CARAP/116/2025, CARAPL/
36335/2024, CARAPL/36336/2024 AND CARAPL/36342/2024.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 28, 2025

PC :

1. These Applications have been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (*"the Act"*).
2. Learned Counsel for the Respondents in the first four matters listed above submits that the amounts involved are significant and therefore a Retired Judge should be the arbitrator.
3. Learned Counsel for the Applicant in all the aforesaid matters submits a list of 12 names of eminent Advocates who conduct arbitration.

4. The parties have no quarrel with proceeding to arbitration but have differences of opinion on the identity of the arbitrator. In these circumstances, all these Applications are finally disposed of in the following terms:-

A] Mr. Vaibhav Charalwar, a Learned Advocate of this Court is hereby appointed as the Sole Arbitrator to adjudicate upon the disputes and differences between the parties;

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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 Advocates for the Petitioner so as to enable them to file the same in the Registry of this Court. The Registry of this Court shall retain the said Statement on the file of this Petition and a copy of the same shall be furnished by the Advocates for the Petitioner to the Respondents;

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.

5. To achieve economy of scale it is felt appropriate to send all the four references to the same arbitrator so that the parties are able to minimize their expenditure in view of the submissions made.

6. In Commercial Arbitration Application (L) No. 36337 of 2024 none appears for the Respondent but no useful purpose would be served in keeping this matter pending any further. The disputes and differences in the agreement underlying the aforesaid Application are also hereby referred to the same Arbitral Tribunal appointed hereby.

7. Learned Counsel for the Applicant submits that in each of these Applications there is a connected Petition under Section 9 of the Act. Section 9 Petition is hereby converted into an Application under Section 17

of the Act for consideration of the Arbitral Tribunal appointed hereby. By consent of the parties Section 9 Petitions are also disposed of in the aforesaid terms. All Section 9 Petitions and Section 11 Petitions are hereby finally disposed of. As regards Section 9 Petition which relates to Commercial Arbitration Petition (L) No. 24803 of 2023, since none appears for the Respondent, Learned Advocate for the Applicant/Petitioner seeks liberty to file an Application under Section 17 of the Act in the same terms disposing of Section 9 Petition.

8. All these proceeding are *finally disposed of* in the aforesaid terms.

9. 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.

10. 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.]