
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION APPLICATION NO.148 OF 2024

Siemens Healthcare Pvt. Ltd.

...Applicant

Versus

Animesh Baruah

...Respondent

Ms Mahalaxmi Ganapathy a/w. *Tanmay Bhave, Advocate for Applicant.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : FEBRUARY 11, 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 that are said to have arisen between the parties under a Purchase Order (Agreement) dated August 22, 2022. The arbitration agreement is contained in Clause 19 (found at Page 38 of the Application). In the interest of brevity, the arbitration agreement is not being extracted here. Suffice it to say that this matter falls within the jurisdiction of this Court.

2. It is seen from the reply to the invocation notice that the existence of the arbitration agreement is writ large on the face of the record. Consequently, it would be appropriate for the arbitral tribunal to consider all other contentions on merits of the matter.

3. It is seen from the record that service has indeed been effected pursuant to an order passed by the Learned Single Judge of this Court on the earlier occasion.

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

A] Mr. Sandeep Parikh, 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 details of the Learned Arbitrator are set out below:-

Office Address : Sandeep H. Parikh,
Office 11-E, 1st Floor,
Examiner Press Bldg,
Opposite Lentin Chambers,
Dalal Street, Fort,
Mumbai – 400 001.

Email : adv.sparikh@gmail.com

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 Application 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 Applicant 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 Application and a copy of the same shall be furnished by the Advocates for the Applicant to the Advocates for the

Respondent;

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. 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.]