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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMM. ARBITRATION APPLICATION NO. 152 OF 2024

Tata Motors Finance Limited ...Applicant

Versus

Bafna Motors Mumbai Private Limited & Ors. ...Respondents

Mr. Gaurav Jangle a/w *Ms. Nidhi Mistry and Mr. Akshay Sawant i/b I.V. Merchant & Co. for the Applicant.*

Mr. Nihal Lakhan i/b *Mr. Omkar Kanegaonkar for the Respondents.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 30, 2025

PC :

1. This is an Application under Section 11 of the Arbitration and Conciliation Act, 1996 (for short “*the Act*”) seeking reference of disputes and differences between the parties in terms of a Facility Agreement dated December 9, 2020, which contains an Arbitration Agreement in Clause 30 which is found at Page No. 99 of the Application. In the interest of brevity the arbitration agreement is not being extracted. Suffice it to say that it falls within the jurisdiction of this Court.

2. It is evident that the arbitration agreement entailed a three-member Arbitral Tribunal. Learned Counsel for the parties submit that they consent to have all their disputes and differences referred to a sole arbitrator appointed by this Court.

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

a) Mr. Ajai Fernandes 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 of the Sole Arbitrator are set out below :

Address - Office No. 2, 3rd Floor, Kamanwala Chambers,
Sir P. M. Road, Opp. Bombay Stores, Fort,
Mumbai – 400 001.
Email id- ajai.fernandes@gmail.com

b) A copy of this Order shall be communicated to the Learned Sole Arbitrator by the Advocates for the Applicant within a period of one week from today. The parties shall provide the contact and communication particulars of the parties to the Arbitral Tribunal;

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. 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.]