

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

Commercial Arbitration Application No. 179 of 2024

Tata Consultancy Services Ltd	...Applicant(s)
Versus	
Union of India, Through Chairman, Railway Recruitment Board	...Respondent(s)

**WITH
Commercial Arbitration Application No. 153 of 2024
(U/s. 11 of the A & C Act, 1996)**

Tata Consultancy Services Ltd	...Applicant (s)
Versus	
Union of India, Through Chairman, Railway Recruitment Board	...Respondent(s)

Ms. Diksha Tripathi *i/b India Law LLP, for Applicant.*

Mr. Mayuresh Lagu *a/w Adv. Sagar Patil, for Respondent-UOI.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : April 1, 2025

P. C.

1. Commercial Arbitration Application No. 153 of 2024 is an Application under Section 11 of the Arbitration and Conciliation Act, 1996 (“***the Act***”).

2. After the matter was argued for some time, it is apparent that the parties have a clause whereby in the event of their inability to agree upon a

sole arbitrator, the arbitral tribunal shall comprise of three arbitrators. Since the nominee arbitrator sought to be appointed by the Respondent was communicated by them nearly two years ago, Learned Counsel for the parties jointly submit that they will communicate the identity of their respective nominee arbitrators within a period of four weeks from today.

3. On April 29, 2025, by way of a praecipe, the parties have informed their nominee arbitrators. The Applicant has nominated Mr. Akash Rebello, an Advocate and the Respondent has nominated Mr. Mahesh Kumar Gupta (Retd.) Member Engineering, Railway Board. The two arbitrators nominated by the respective parties shall then proceed to appoint the presiding arbitrator. The proceedings are *finally disposed of* in the following terms :

A] A copy of this Order will be communicated to the nominee Arbitrators by the Advocates for the Applicant within a period of one week from the date on which this order is uploaded on the website of this Court. The two nominee Arbitrators shall appoint the presiding Arbitrator. The Applicant shall provide the contact and communication particulars of the parties to the Arbitral Tribunal along with a copy of this Order;

B] The Arbitral Tribunal 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;

C] The parties shall appear before the Arbitral Tribunal 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;

D] 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. With the aforesaid arrangements, both the Applications are ***finally disposed of***, since nothing remains for consideration by this Court within the scope of Section 11 of the Act.

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.]