
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION PETITION NO.243 OF 2024
WITH
COMMERCIAL ARBITRATION APPLICATION NO.157 OF 2024

Lakshmibai Narayan Jadhav ...Applicant
Versus
Jadhav Bandhu Construction ...Respondent

Mr. Zaid Ansari for the Applicant.
Ms. Neha Rane h/f Mr. Akshay Jadhav i/b Mr. Prasad Panchal
for the Respondent.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : MARCH 19, 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 Supplementary Deed of Partnership dated March 3, 2015 (*"Agreement"*).

2. Today, when the matter is called out, Learned Counsel for the parties jointly submit that they would be agreeable to have all the disputes and differences between them in connection with the aforesaid Agreement referred to resolution by an arbitral tribunal, leaving it open

to the parties to seek such interlocutory relief as they may desire from the arbitral tribunal.

3. Commercial Arbitration Petition No.243 of 2024 (“**Section 9 Petition**”) relates to the very same matter between the very same parties, seeking certain interlocutory protective reliefs. The Section 9 Petition shall be treated as an Application under Section 17 of the Act by the arbitral tribunal appointed hereby. Given the efflux of time, the Petitioner is at liberty to modify or mould the contents of Section 9 Petition for its consideration as a Section 17 Application.

4. In these circumstances both the captioned proceedings are finally disposed of in the following terms:

A] Mr. Yuvraj Narvankar, a learned 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;

Email ID: - yuvraj.narvankar@yahoo.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 the date on which this order is uploaded on the website of this Court. 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;

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 that in the course of arbitral proceedings the Petitioner shall be entitled as *dominus litus* to array such persons as he can demonstrate to Arbitral Tribunal as being necessary parties in accordance with law.

6. Considering the urgency of Section 17 Application, the Learned Arbitral Tribunal is requested to convey at the earliest preferably within one week communicated to the Arbitral Tribunal to schedule hearings of the conduct of Section 17 Application.

7. 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.]