

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

COMMERCIAL ARBITRATION APPLICATION NO. 167 OF 2024

Ramesh Vasant Nevgi

...Petitioner

Versus

Rajendra Vasant Nevgi & Anr.

...Respondent

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signed by
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Mr. P.G. Sabnis, for Applicant.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : SEPTEMBER 19, 2025

Order :

1. By an order dated June 23, 2025, a Learned Sole Arbitrator came to be appointed. It is the grievance of the Applicant that despite multiple attempts to have the arbitrator convene, the arbitrator has not been able to even call for the first meeting. In these circumstances, he would submit that it would be appropriate to substitute the arbitrator on the premise that the arbitrator is unable to commence the arbitration even to give directions, without undue delay.

2. Since a case for substitution is made out, the arbitrator is hereby substituted in the following terms :

A] Ms. Neeta Jain, an advocate of this Court (Email :

neetanaik.jain@gmail.com) 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 in the Application.

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 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 Petitioner and a copy of the same shall be furnished by the Advocates for the Applicant 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 Arbitral Tribunal in relation to costs.

3. 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.

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.]