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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMM. ARBITRATION APPLICATION NO. 174 OF 2024

Eurocoustic Products Limited ...Applicant

Versus

Rinfra Astaldi JV and Ors. ...Respondents

Ms. Shivani Kumbojkar *for the Applicant.*

Ms. Siddhi Vora *for the Respondent.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : FEBRUARY 24, 2025

PC :

1. This is an Application under Section 11 of the Arbitration and Conciliation Act, 1996 (“***the Act***”).

2. Today, when the matter is called out, Learned Counsel for both the parties jointly submit that they are willing to proceed the arbitration by a sole arbitrator appointed by this court. The disputes and differences relate to an agreement dated November 3, 2018. The arbitration agreement is contained in the General Conditions of Contract in Clause 27 (found at Page No.119 of the Application).

3. Taking on board consent of the parties to proceed to arbitration, this Application is ***finally disposed of*** in the following terms:-

A] Ms. Gulnar Mistry, 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;

Office Address:- 101, 1st Floor, 1infinity (formerly known as Ramnimi Fort), Cawasji Patel Street, Mumbai - 400 001.

Email ID: gm@mistrychambers.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 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 Application 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 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.]