

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

COMMERCIAL ARBITRATION APPLICATION NO. 196 OF 2024

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Owens-Corning (India) Private Limited ... Applicant
Vs.
Runaya Private Limited .. Respondent

Mr. Ashish Kamat, Senior Advocate *a/w. Ankit Lohia, Tushar Hathiramani, Abhishek Kale, Pabitra Dutta, and Ms. Shalvika Nachankar i/b Naik Naik & Co., Respondent.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : July 10, 2025

Order :

1. This matter is being listed today for speaking to the minutes of the order dated June 13, 2025.
2. Paragraphs 1, 2, 5 and 6A of the order shall be substituted with the following :

“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. The arbitration agreement is contained in Exhibit “F” of the Tax Invoice dated January 4, 2022 (found at Page Nos. 98

of the Application). In the interest of brevity, the arbitration agreement is not being extracted here. Suffice it to say that this matter falls within the jurisdiction of this Court.

2. The only objection from the Respondent is that the arbitration is invoked pursuant to an arbitration clause contained in the tax invoice whereas the purchase order dated January 1, 2022 issued by the Respondent already contained an explicit arbitration clause.

5 Being satisfied that an arbitration agreement is validly in existence, and that arbitration has been duly invoked, it is in the fitness of things to refer the disputes and differences between the parties to arbitration by a Sole Arbitrator.

6-A] Justice (Retired) Shri. S.C. Gupte, a Former Judge of this Court (E mail : guptesc@gmail.com) is hereby appointed as the Sole Arbitrator to adjudicate upon the disputes and differences between the parties referred to above;

3. In paragraph 7, in the second sentence, after the word, “merits” insert the words, “*including jurisdiction*”.

4. The rest of the aforesaid order remains unaltered. The original order shall be corrected and made available to the parties.

5. 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.]