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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**IN ITS COMMERCIAL DIVISION**  
**COMM. ARBITRATION APPLICATION NO. 216 OF 2021**

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Gargi Huttenes Arbertus Pvt. Ltd.

... Applicant

*Versus*

Sri Valli Enterprises

...Respondent

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**Mr. Vishwanahan Iyer, for Applicant.**

*None for Respondent.*

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**CORAM : SOMASEKHAR SUNDARESAN, J.**

**Date : January 8, 2025**

**P. C.**

1. This is an Application filed under Section 11 of the Arbitration and Conciliation Act, 1996 (“*the Arbitration Act*”), seeking to refer disputes and differences between the parties under an agreement dated April, 1, 2019. The arbitration agreement is contained in clause 18 of the said agreement, which is not reproduced in the interest of brevity. Suffice it to say, the matter falls within the jurisdiction of this Court.

2. By a letter dated February 22, 2024, arbitration was invoked in connection with the disputes and differences between the parties. This elicited no response. Thereafter, two service affidavits have been filed and taken on record, evidencing service of these proceedings on, and intimating,

the Respondent about the next date of hearing, but none has appeared for the Respondent so far. Even today, none appears for the Respondent.

3. In these circumstances, no useful purpose will be served by keeping this Application pending any further. In these circumstances, the Application is hereby allowed leaving all facets on merits open, for the arbitrator to deal with, in accordance with the Act and the following order is passed :

- a. Mr. Shilpan Gaonkar, an 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. The contact details are set out below :

Office Address : Office No. 6, 2nd Floor,  
Examiner Press Building, Dalal Street, Fort,  
Mumbai 400 001  
Email: chambers.ssg@gmail.com

- b. A copy of this Order shall 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 Arbitration 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 Respondent;

- 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; and
  - f. The parties have agreed that the venue and seat of the arbitration will be in Mumbai. It is clarified that it shall be open to the Arbitral Tribunal to conduct the proceedings online through electronic mode.
4. This Application is *finally disposed of* in the aforesaid terms.
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.]