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

COMM. ARBITRATION APPLICATION NO. 230 OF 2024

Abdul Karim Khalilur Rehman ...Applicant

Versus

Abdul Rahim Khalilur Rehman and Anr. ...Respondents

Mr. Jenish Dinesh Jain *a/w Mr. Pratik Irpatgive for the Applicant.*
Mr. Ayush Tiwari *i/b Mr. Ayush Tiwari for the Respondents.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : MARCH 24, 2025

PC :

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

2. By an order dated June 25, 2018, Learned Advocate of this Court was appointed as an arbitrator pursuant to an application made under Section 11 of the Act.

3. Today, when the matter is called out, Learned Counsel for the parties submits that the arbitration has not commenced till date and the matter may be kept before any other arbitrator as appointed by this Court. In this circumstances, taking into account the undue delay, the arbitrator hereby stands replaced in exercise of powers under Section 14 of the Act. It is made clear that proceedings shall continue from the stage currently are. Application is ***finally disposed of*** in the following terms :-

A] Mr.Rashmin Khandekar, 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;

Address : 2nd Floor, New Wadia Building, Opposite BSE,
Dalal Street, Fort, Mumbai – 400 001.

Email ID: rashmin.khandekar@gmail.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 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. 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.

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.]