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

COMM. ARBITRATION APPLICATION NO. 232 OF 2024

Salgaocar Mining Industries Pvt. Ltd.

...Applicant

Versus

Fairmacs Trading Company Pvt. Ltd.

...Respondent

Mr. Yogesh Nadkarni a/w *Ms.Aarti Suvarna and Ms.Simran Khadilkar for the Applicant.*

Mr. Bimal Rajasekhar (Through V.C.) for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 27, 2025

PC :

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

2. Today, when the matter is called out, Learned Counsel for the parties jointly submit that they would be agreeable to all disputes and differences between them in connection with Charter Party Agreement dated April 3, 2023 being resolved by referring it to an arbitrator.

3. Taking into account the inputs from the officers of the Court, all disputes and differences under the aforesaid agreement stand referred to arbitration, ***finally disposing of*** this Application in the following terms:-

a) Justice (Retd.) S.C.Dharmadhikari (rajandharmadhikari32@gmail.com), a former Judge 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.

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 parties shall provide the contact and communication particulars of the parties to the Arbitral Tribunal;

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 parties within a period of two weeks from receipt of a copy of this Order;

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.]