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

COMM. ARBITRATION APPLICATION NO. 246 OF 2024

Shreejichar Engineering Pvt. Ltd. ...Applicant

Versus

Lokhandwala Kataria Construction Pvt. Ltd. ...Respondent

Mr. Hasmit Trivedi *a/w Mr. Indra Lahoti i/b Praxis Legal for the Applicant.*

Ms. Jagruti Deshmukh *h/f Mr. Anil Rao for the Respondent.*

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. Learned Counsel for the Respondent submits that there is no objection to proceeding to arbitration before the sole arbitrator so long as the arbitrator appointed is not an arbitrator suggested by the Petitioner. In other words there is no dispute about the existence of an arbitration agreement and there is no objection to proceeding before the sole arbitrator instead of proceeding before the three member Arbitral Tribunal. The only dispute at this stage of the matter, is about who the arbitrator should be to adjudicate the dispute on merits.

3. In these circumstances, the Application is ***finally disposed of*** in the following terms :

A] Mr. Rohaan Cama, Advocate of this Court is hereby appointed as the Sole Arbitrator to adjudicate upon the disputes and differences between the covered by this Application;

Address : Room No.17-18, 1st Floor, Islam Building,
46-48, Veer Nariman Road, Fort,
Mumbai – 400 001.

E-mail: rohaancama@hotmail.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.]