
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION APPLICATION NO. 250 OF 2024

Mitrasen Medicare ...Applicant

Versus

Union Of India Through The Ministry Of Railway ...Respondent

Mr. Rohan P. Surve, for the Applicant.

Mr. TJ Pandian, a/w Gautam Modanwal, Noorjahan Khan & Dinesh Sehgal, for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : MARCH 19, 2025

PC :

1. This is an Application seeking appointment of an arbitrator in reliance upon the arbitration clause contained in a tender, which would, on the face of it, bind the party with the winning bid, such that the tender conditions transform into a formal contract. However, it is apparent that the Applicant is an unsuccessful bidder. Consequently, it cannot be said that the arbitration agreement would bind on the Applicant-bidder and the Respondent-tenderer for purposes of airing the grievances of the losing bidder.

2. In these circumstances, this Application is disposed of as not being maintainable, granting liberty to the Applicant to take out such proceedings as advised to pursue remedies available in law.

3. The Application is finally *disposed of* in the aforesaid terms.
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.]