

PURTI
PRASAD
PARAB
Digitally signed by
PURTI PRASAD
PARAB
Date: 2025.01.18
11:12:37 +0530

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

COMM. ARBITRATION APPLICATION NO. 256 OF 2024

Western Refrigeration Private Limited

...Applicant

Versus

J.K. Brothers

...Respondent

**Mr.H.P. Kar, a/w Ms. Nirupama Kar and Ms. Riddhi Bhanushali i/b
Interjuris for the Applicant.**

Mr.Ashok Sarogi, for Respondent Nos.1 and 3.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 14, 2025

PC :

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

2. Today, when the matter is called out, it transpires that the parties indeed have consented to proceed to arbitration, but have serious differences about who the arbitrator should be. The names recommended by each side are unacceptable to the other. The Learned Counsel for the parties jointly submit that parties shall appear before an arbitrator appointed by this Court. In these circumstances, this Application is finally disposed of in following terms:-

a) Mr. Sandeep H. Parikh, 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 are set out below :

Address : 11-E, 1st Floor, Examiner Press
Building, Opp. Lentin Chambers,
Dalal Street, Fort, Mumbai – 400001
Email id : adv.sparikh@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 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; 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;.

3. This 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.]