

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

COMM. ARBITRATION APPLICATION NO. 414 OF 2024
ALONGWITH
COMM. ARBITRATION APPLICATION NO. 415 OF 2024
ALONGWITH
COMM. ARBITRATION APPLICATION NO. 28 OF 2025

Ferrostonecrete ...Applicant

Versus

Gammon India Limited ...Respondent

ALONGWITH
COMM. ARBITRATION APPLICATION NO. 444 OF 2024

Parasmal Keshrimal Shah ...Applicant

Versus

Gammon India Limited ...Respondent

Mr.Reshant Shah, for the Applicant (Through V.C).

Mr.Akshay Zantye for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 14, 2025

PC :

1. These Applications are taken out for substitution of an arbitrator who came to be appointed by an order dated August 3, 2023 passed by the Learned Single Judge of this court.

2. Today, when the matter is called out, Learned Counsel for the parties jointly submit that they would be willing to proceed to arbitration to be conducted by any sole arbitrator appointed by the Court. In these

circumstances, these Applications are finally disposed of in the following terms:-

a) Mr. Mandar Soman, 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 : Office No.21, 3rd Floor, Bombay Mutual
Building, P.M. Road, Fort,
Mumbai – 400 001.
Email id : mandar.soman82@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. The parties shall ensure that all the proceedings are now submitted before the Sole Arbitrator appointed hereby for such arbitrator to issue appropriate directions to take the proceedings further. No other modification is effected to the order dated August 3, 2023.

4. These Applications are ***finally disposed of*** in the aforesaid terms.

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.]