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

COMM. ARBITRATION PETITION NO. 52 OF 2025

Tata Motors Finance Limited

...Petitioner

Versus

Malayalam Vehicles India Private Limited

...Respondent

Mr. Gaurav Jangle *a/w Ms. Nidhi Mistry i/b I.V. Merchant & Co. for the Petitioner.*

Mr. Dushyant Krishnan *for the Respondents.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : MARCH 27, 2025

PC :

1. This is a Petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (***“the Act”***).

2. Learned Counsel for the parties jointly submits that they are willing to proceed to arbitration to be conducted by a Learned Advocate, named by them. In these circumstances, all disputes and differences covered by the arbitration petition are hereby referred to the arbitration by consent of the parties in the following terms :

A] Mr. Saurish Shettye, 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;

B] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Petitioner within a period of one week from the date on which this order is uploaded on the website of this Court. The Petitioner 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.

3. This Section 9 Petition shall be treated as an Application under Section 17 of the Act by the Arbitral Tribunal appointed hereby and the parties shall take further instructions from the Learned Arbitrator on how to proceed further from the learned arbitrator.

4. Learned Counsel for the Respondent submits that he has some difficulty in making the disclosure required in the prayer clause “b”. This may be presented to the Learned Arbitral Tribunal in the course of the arbitral proceeding.

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.]