
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION PETITION NO.67 OF 2025
WITH
COMMERCIAL ARBITRATION APPLICATION NO.61 OF 2025

Vishal Mathur

....Petitioner/Applicant

Versus

Cohance Lifesciences Ltd.

....Respondent

Mr. Devashish Godbole a/w. *Vibhav Gadre, Advocates for
Petitioner/Applicant.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : AUGUST 12, 2025

ORDER :

1. The captioned proceedings entail an Application under Section 11 as well as a Petition under Section 9 of the Arbitration and Conciliation Act, 1996 (*“the Act”*).

2. Learned Counsel for the parties, on instructions, are in consensus to proceed to arbitration forthwith in disposal of the Section 11 Application leaving all contentions, including questions on jurisdiction under Section 16 of the Act, open for consideration by the Learned Arbitral Tribunal appointed hereby. It is the case of the Respondent that the dispute is not arbitrable. This is a facet that squarely falls in

the domain of the Learned Arbitral Tribunal if an appropriate application under Section 16 of the Act is filed and a case is made.

3. It is made clear that the Learned Arbitral Tribunal would be at liberty to direct interlocutory arrangements even before considering the question of arbitrability under Section 16 of the Act, so that the arbitral proceedings are not rendered meaningless by the time the issue of arbitrability is decided.

4. In these circumstances, converting the Section 9 Petition into an Application under Section 17, both the captioned proceedings are hereby ***finally disposed of*** by appointing an Arbitral Tribunal by consent of the parties, in the following terms :-

A] Dr. Abhinav Chandrachud, a learned 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/Applicant within a period of one week from the date of upload of this order. The Petitioner/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.

5. 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.

6. 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.]