
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION PETITION NO. 122 OF 2025

Phiroza Dayashankar Patwa

...Applicant

Versus

M/s S B Associates & Ors

...Respondents

Mr. Rohan Sawant, i/b Akash P. Shah, for Petitioner.

Mr. Aditya Shiralkar, a/w Vijay Poojari, i/b Shiralkar & Co., for Respondents.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JULY 29, 2025

ORDER :

1. This Petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (**"the Act"**).

2. Today, when the matter is called out, Learned Counsel for the parties jointly submit that they would be willing to proceed to arbitration forthwith, without the need for an Application under Section 11 of the Act. Consequently, this Petition is disposed of by appointing the arbitral tribunal hereby.

3. This Petition shall stands converted into an Application under Section 17 of the Act for due consideration by the arbitral

tribunal. Pleadings, if any, may be completed within the timeline directed by the Learned Arbitral Tribunal. The arbitral tribunal is requested to convene within a week of being approached, to issue further directions on how to proceed further.

4. In these circumstances, this Petition is hereby *finally disposed of*, in terms of the following order:

A) Mr. Gaurav Mehta, 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;

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 of upload of this order. 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 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.]