
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION PETITION NO.150 OF 2025

Mohammed Eqbal Patel

....Petitioner

Versus

Tejal Minerals And Grinders Pvt. Ltd.

...Respondent

Mr. Bishwajeet Mukherjee a/w. *Ms. Humera Syed, for
Petitioner.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 29, 2025

PC :

1. This Petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (*"the Act"*). The Petitioner has been granted interim reliefs on an earlier occasion.

2. After the matter was argued for some time, Learned Counsel for the parties have agreed that they would proceed to arbitration forthwith, so that the arbitral tribunal would consider what interlocutory arrangements are necessary or whether to vacate and vary or strengthen the interim arrangements obtaining as of today.

3. Without the need for filing a formal application under Section 11 of the Act, the parties are hereby referred to arbitration by consent.

The arbitral tribunal shall convene at the earliest to hear the parties and what is to be done with the interlocutory arrangements obtaining till date, this proceedings shall be converted into proceedings under Section 17 of the Act. Reply, if any, to the pleadings to be made directly before the arbitral tribunal.

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

A] Justice (Retd.) Mridula Bhatkar, a former judge of this Court, is hereby appointed as a nominee Arbitrator on behalf of the Respondent 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 nominee Arbitrators 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 two nominee Arbitrators shall appoint the presiding Arbitrator. 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 Arbitral Tribunal 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 Arbitral Tribunal 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.]