

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IT ITS COMMERCIAL DIVISION**

COMM. ARBITRATION PETITION NO. 191 OF 2025

Parsh Infra LLP

...Petitioner

Versus

K T Dongre and Company
Private Limited

...Respondent

Mr. Bhavin Gada *a/w. Priyansh R. Jain i/b L.D.Shah & Co., for
Petitioner.*

Ms. Henna P. Shah, *for Respondent.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : March 27, 2025

P. C.

1. 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 to file an Application under Section 11 of the Arbitration and Conciliation of the Act, 1996 (“*the Act*”).

2. Consequently, recording the consent of the parties, all disputes and differences covered by these proceedings, are hereby referred to arbitration by a sole arbitrator.

3. The Section 9 Petition shall be treated as an Application under Section 17 of the Act by the arbitral tribunal appointed hereby. The parties may execute pleadings and take out such objections and defences as advised, before the arbitral tribunal. By consent of the parties, the Petition is *finally disposed of* in the following terms :

A] Mr. Vishal Kanade, 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 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 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.

4. 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.

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.]