

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION PETITION NO. 319 OF 2024

Arpan Co-operative Housing Society Ltd ...Petitioner

Versus

Parshvanath Superstructures Pvt. Ltd. ...Respondent

Ms. Vidisha R. a/w Prince Vaishnav, i/b Preeti Pande, for the
Petitioner.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 16, 2025

PC :

1. This is an Application under Section 15 of the Arbitration and Conciliation Act, 1996 (“***the Act***”) seeking substitution of an arbitrator, by a reason of Learned Sole Arbitrator appointed by this Court in disposal of an Application under Section 11 filed by this very Applicant, having resigned. Learned Counsel for the Respondent submits that while he acknowledges that his clients have forfeited the right to have a say in the appointment of an arbitrator, the arbitrator last appointed by this Court had resigned owing to vituperative email addressed by this very Applicant to the arbitrator. Specifically, he draws my attention to Exhibit ‘D’ at page 55 of the Application, which evidently alleges bias against the arbitrator appointed by this Court.

2. Such conduct by any litigant is not appreciated. It is well known that every litigation has at least one party who would be upset with some or the other outcome in the course of proceedings, but the parties must maintain decorum in the manner in which they conduct arbitration proceedings.

3. Taking on record, the apologies and assurances given by Learned Counsel for the Applicant, who appears today and submits that new Advocates are now representing the Applicant, Ms. Akanksha Saxena Learned Counsel for the Applicant is hereby appointed as a substitute arbitrator, who directed to counsel her clients that such conduct should never be repeated.

4. Taking into account the context in which the arbitrator resigned, the Applicant shall pay costs in the sum of Rs.5,000/- to the Learned Sole Arbitrator who resigned, in addition to any dues owed to him.

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.]

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