

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

COMM. ARBITRATION PETITION NO. 393 OF 2024

Digitally  
signed by  
SHRADDHA  
KAMLESH  
TALEKAR  
Date:  
2025.05.03  
17:54:53  
+0530

Steel Mont Pvt. Ltd.

.. Petitioner

Vs.

Vikarsh Stamping India Pvt. Ltd. & Ors.

.. Respondents

**Mr. Nausher Kohli** a/w *Daryl Lobo, Jehan Fouzdar, Souvick Lall i/b Akash Palsamkar, for Petitioner.*

**Mr. Atul Vanarse** a/w. *Ravikant Parab, Respondent(s).*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : April 30, 2025

P. C.

1. This is a Petition under Section 9 of the Arbitration and Conciliation Act, 1996 (“*the Act*”).

2. Having heard the parties and taking on board the submission by the Respondents that the disputes and differences between the parties are eminently capable of being settled within a very short time-frame, it would be appropriate to send the parties to arbitration at the earliest by consent of the parties, but giving it a deferred effect so that the parties are able to avail of an opportunity to resolve the disputes and differences between them before the arbitration commences.

3. In these circumstances, taking on board the inputs from the parties, this Petition, is *finally disposed of* by appointing a learned sole arbitrator in the following terms :

A] Mr. Vikram Walawalkar, a learned advocate of this Court (Email Id : vikram.walawalkar@gmail.com), 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. Learned Counsel for the Respondents has not received instructions to agree to a sole arbitrator but should his client see the point in minimizing expenses, it would be open to the parties to proceed before a sole arbitrator in which case, the aforesaid arrangement would work. If the Respondents do not agree to a sole arbitrator then the arbitrator referred to above would be the arbitrator nominated by the Respondents. The Petitioner would be entitled to appoint a separate nominee and the two nominee arbitrators would pick the presiding arbitrator.

5. Meanwhile, *interim* reliefs will follow in terms of prayer clause (b), since the absence of such relief would render either a resolution by settlement or through arbitration meaningless without securing the subject matter of the dispute. In these circumstances, Respondent No. 1 shall not

dispose of the finished products, namely XMER Lamination-25 KVA in its possession until the disposal of the arbitration proceedings.

6. To the extent this order appoints the arbitral tribunal by consent of the parties, the effect of such appointment is deferred by a period of six weeks from the upload of this order on the website of this Court. This deferment is not of the *interim* relief granted under Section 9 of the Act, but of the appointment of the arbitral tribunal. Such appointment alone shall take deferred effect.

7. With the aforesaid arrangement, this Petition is ***finally disposed of***.

8. Learned Counsel for the Respondents seeks a direction to the Alternate Dispute Resolution Cell in Pune District Court to conduct an alternate dispute resolution. The parties shall approach such Dispute Resolution Cell within a period of one week from the upload of this order. Once approached, the ADR Cell shall convene a meeting within a week of being approached.

9. 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.]**