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

COMMERCIAL ARBITRATION PETITION No. 414 OF 2024
WITH
COMMERCIAL ARBITRATION APPLICATION (L.) NO. 5199 OF 2024

SANJAY JUMANI

....Petitioner/Applicant

Versus

SANJAY GEHI DEVNANI & Anr.

....Respondents

Mr. Vishal Ghosalkar, for Petitioner/Applicant.

Mr. Ashish Kamat, Senior Advocate i/b Deepak Jamsandekar, for Respondents.

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : February 13, 2025

P. C.

1. Heard Learned Counsel for the parties for some time.
2. The core contention made by Learned Senior Counsel on behalf of the Respondents is that in the arbitration agreement contained in Clause 9 of the agreement dated January 15, 2013, there is an agreed procedure for appointment of the Arbitral Tribunal. First, the parties have to attempt to appoint the sole arbitrator and in the case of disagreement, they have to move on to nominate one arbitrator each, and the two arbitrators so

nominated would then pick the presiding arbitrator. Learned Senior Counsel would submit that such process has not been followed, and the approach to the Section 11 Court is premature and consequently, as a point of law, this application cannot be dealt with.

3. In these circumstances, it has been put to the Respondents that they could nominate their arbitrator within a period of one week from today so that the two arbitrators so nominated could appoint the presiding arbitrator and this matter could be worked out. Should the Respondents not come back with the name of a nominee arbitrator on the next date, this Court will pass appropriate orders, having heard the matter in detail today.

4. List on the Supplementary Board on ***February 24, 2025***, under the caption, “***For Disposal***”.

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.]