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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**COMM. ARBITRATION PETITION NO. 414 OF 2024**  
**ALONGWITH**  
**COMM. ARBITRATION APPLICATION (L) NO. 5199 OF 2024**

Sanjay Jumani & Anr.

...Petitioners/Applicants

***Versus***

Sanjay Gehi Devnani & Ors.

...Respondents

**Mr. Vishal Ghosalkar** *for the Petitioners/Applicants,*  
**Mr. Ashish Kamat, Senior Advocate** *i/b Mr. Deepak Jamsandekar for*  
*the Respondents.*

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**CORAM : SOMASEKHAR SUNDARESAN, J.**

**DATE : FEBRUARY 24, 2025**

**PC :**

1. The Commercial Arbitration Application (L.) No. 5199 of 2024 has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (***“the Act”***), seeking appointment of an arbitrator in connection with disputes and differences that are said to have arisen between the parties under an Agreement dated January 15, 2013.

2. Today, when the matter is called out, Learned Senior Counsel on behalf of Respondents submits that he has instructions to proceed to arbitration by a sole arbitrator. Learned Counsel on behalf of the Applicant concurs with the reference to a sole arbitrator.

3. Learned Counsel for both the parties jointly submit that Mr. Shyam Kapadia, Learned Advocate of this Court may be appointed as a sole arbitrator before whom all disputes and differences covered by these

proceedings would be referred. Learned Counsel for Respondents submits that such reference to the arbitrator would be without prejudice to the rights and contentions available to his client in connection with the criminal proceedings that are already underway. Needless to say, nothing contained in this order is an expression on an opinion of merits.

4. The parties shall approach the Learned Sole Arbitrator appointed hereby no later than ***March 3, 2025*** to take instructions on how to proceed further in the matter. This Section 11 Application and Petition under section 9 of the Act are ***finally disposed of*** in the following terms :

A] Mr. Shyam Kapadia, a learned 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 Applicant within a period of one week from today. The Applicant 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 Advocates for the Applicant so as to enable them to file the same in the Registry of this Court. The Registry of this Court shall retain the said Statement on the file of this Application and a copy of the same shall be furnished by the Advocates for the Applicant to the Respondent;

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.

5. Commercial Arbitration Petition No. 414 of 2024 is a Petition under Section 9 of the the Act. The Learned arbitrator shall treat the same as an application under Section 17 of the Act. Given the efflux of time, the Petitioner shall be at liberty to mould and modify the contents of the Section 9 Petition in order to enable the Arbitral Tribunal to consider it as an Application under Section 17 of the Act.

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.]**