

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION PETITION NO.458 OF 2024
WITH
COMMERCIAL ARBITRATION APPLICATION NO.264 OF 2024
(NOT ON BOARD)

M/s Hafele India Pvt. Ltd.	Petitioner/Applicant
Versus	
M/s Shree Raj Rajeshwari Enterprises	
Proprietorship of Meeta Shah	Respondent

Mr. R.M. Pande, *Advocate for Petitioner/Applicant.*

Mr. Ashish J. Dubey, *Advocate for Respondent.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : JULY 15, 2025

ORDER :

1. Commercial Arbitration Application No.264 of 2024 is an Application under Section 11 of the Arbitration and Conciliation Act, 1996 (*“the Act”*), which is connected to the very same Franchise Agreement, pursuant to which the Section 9 Petition (Commercial Arbitration Petition No.458 of 2024) has been filed.

2. Although the Section 11 Application is not on Board, by consent of the parties, taken on Board and *disposed of* by appointing an Arbitrator in the following terms:-

A] Mr. Nausher Kohli, 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. The contact details of the Learned Arbitrator are set out below:-

Address	138-B, 13th Floor, Mittal Tower B Wing, Free Press, Journal Marg, Nariman Point, Mumbai - 400 021
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Email	nausher@nausherkohli.com
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Id :

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 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 and;

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.

3. The Section 9 Petition shall stand converted into an Application under Section 17 of the Act for appropriate consideration by the Learned Arbitral Tribunal appointed hereby.

4. Learned Counsel for the Petitioner seeks some protection to secure the amount owed by the Respondent to the Petitioner. Be that as it may, considering that this Petition has been on the docket of this Court since last year, it would be appropriate for the Learned Arbitral Tribunal to deal with the need for security, if any, and direct such interlocutory arrangements as the Learned Arbitral Tribunal considers appropriate.

5. In these circumstances, the Learned Arbitral Tribunal is requested to convene at the earliest, preferably within a week of being approached by the parties, to give instructions to the parties on how to proceed further. Reply, if any, to the Section 9 Petition may be filed

directly before the Arbitral Tribunal as a reply to the Section 17 Application.

6. Both the captioned proceedings are ***finally disposed of*** by this order.

7. 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.]