

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION PETITION NO. 739 OF 2024

WITH

CONTEMPT PETITION IN COMM. DIVISION MATTERS (L) NO. 3715 OF 2025

Hcc Infrastructure Company Ltd ...Petitioner

Versus

Sadbhav Infrastructure Projects Ltd & Anr ...Respondents

Mr. Ashish Kamat, a/w Jatin Pore, Ashwini Hariharan, Vishal Mandal, i/b DSK Legal, , a/w for the Petitioner.

Mr. S.A. Mehta, a/w Krishal H. Patel, Abhishek Prabhu, for Respondent No.1.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : MARCH 19, 2025

PC :

1. This Petition has been filed under Section 15 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 October 28, 2015. The arbitration agreement is contained in Clause 20 (found at Page 77 of the Petition). In the interest of brevity, the arbitration agreement is not being extracted here. Suffice it to say that this matter falls within the jurisdiction of this Court.

2. It is clear from a perusal of the record and upon hearing the submissions of the parties, that they intend to proceed to arbitration. As there is a need to substitute the arbitrator, in view of the sole arbitrator appointed in the matter by an order dated September 20, 2024 having resigned, the substituted arbitrator is appointing in the following terms:-

- a) Justice (Retd.) Anil K. Menon former judge 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 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;

3. It is made clear that the terms on which the erstwhile arbitrator was appointed would apply to the appointment of the arbitrator appointed hereby by way of substitution. The arbitral tribunal would continue the proceedings from the stage at which they were left when the arbitrator resigned.

4. In these circumstances, Commercial Arbitration Petition No.739 of 2024 is ***finally disposed of*** in the aforesaid terms.

5. Contempt Petition in Commercial Division Matters (L) No.3715 of 2025 shall be taken up for further consideration on ***April 4, 2025***.

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.]

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