

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION PETITION NO. 808 OF 2024

M/s. Akshada Roadlines

...Petitioner

Versus

Chief General Manager (Operations) Maharashtra
State Office

...Respondent

**Mr. Chaitanya Nikte, a/w Swapnil Sangle, Sneha Bhange, for the
Petitioner.**

Ms. Kritika Sethi, a/w Vasundhara D. for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 14, 2025

PC :

1. This Petition is filed under Section 9 of the Arbitration and Conciliation Act, 1996 (“***the Act***”) seeking certain interlocutory reliefs pending arbitration.

2. Today, when the matter is called out, Learned Counsel for the parties jointly submit that they are willing to have the matters referred to arbitration by a Sole Arbitrator appointed by the Court. They agree that the contentions in this Petition filed under Section 9 may be treated as an Application under Section 17 of the Act by the Learned Sole Arbitrator appointed by this Court. Should the Petitioner be desirous of supplementing or moulding the contentions and the submissions made

under the Section 9 Petition given the efflux of time since it was filed, the Petitioner shall be at liberty to do so.

3. In these circumstances, the following order is passed:-

- a) Mr. Akash Rebello, an 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 Arbitration and Conciliation Act, 1996 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 no later than January 20, 2025 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; and
- f) The parties have agreed that the venue and seat of the arbitration will be in Mumbai. It is clarified that it shall be open to the Arbitral Tribunal to conduct the proceedings online through electronic mode.

4. This Application is ***finally disposed of*** in the aforesaid terms.

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.]