
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 85 OF 2025

Arcadia Shares And Stocks Brokers Pvt Ltd ...Petitioner

Versus

Gaurang Ajith sheth ...Respondent

Mr. Gauraj Shah, a/w Priyanka Sinha, Bhavya Shah, i/b AP Partners, for the Petitioner.

Mr. Nirman Sharma, a/w Akshay Doctor, Uma Sharma for Dharam & Co. for Respondent No.1.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 22, 2025

PC :

1. This Petition has been filed under Section 9 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 August 29, 2013. The arbitration agreement is contained in Clause 18 (found at Page 72 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. Learned Counsel for the parties jointly submit that the directions issued on the last occasion have been complied with and two of the directors of the Petitioner are now on the board of directors, and the Respondents are represented by one of the directors in terms of the Article of Association.

3. At this stage, it would be appropriate that parties proceed forthwith to arbitration. Upon a query from the Bench, the parties agreed that by consent they would be proceed to arbitration to be conducted by Mr. Rohan Sawant, a learned advocate of this Court.

4. In these circumstances, without the need for filing an Application under Section 11 of the Act and without any further directions, continuing the directions issued hitherto for review by the arbitral tribunal which can take over these proceedings as proceedings under Section 17, this Petition is ***finally disposed of*** in the following terms:-

a) Mr. Rohan Sawant, 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 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;

- 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. Needless to say noting contained in the consent to proceed to arbitration would constitute a legal inability for raising jurisdictional objections and the interplay between the suit proceedings that are underway.

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.]