
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.140 OF 2025

Vidyasoh Healthcare Tech Service Private LimitedPetitioner

Vs

Ftcash Finance Private Limited ...Respondent

Mr. Parth Jain a/w. *Mr. Ansh Agal i/b. Jain Law Partners LLP,*
Advocates for Petitioner.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 29, 2025

PC :

1. This Petition 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 arising out of Service Agreement dated November 27, 2023 (*"Agreement"*). The arbitration agreement is contained at Clause 18 (found at Page 73 of this Petition). In the interest of brevity, the same is not reproduced here. Suffice it to say that the matter falls within the jurisdiction of this Court.

2. Reply of the Respondent is taken on record. All the proceedings filed in this Section 9 Petition shall stand treated as pleadings in Section 17 application which the arbitral tribunal shall decided.

3. After the matter was argued for sometime, Learned Counsel for the parties have expressed their willingness to proceed to arbitration before a sole arbitrator. Consequently, all disputes and differences between them, regardless of the requirement of a three-member arbitral tribunal contained in the arbitration clause and the reference to a certain arbitration center are hereby referred to arbitration by the consent of the parties for the sole arbitration.

4. Meanwhile pending the arbitral tribunal convening to hear the parties, no further precipitative steps shall be taken by the Respondent to freeze the accounts of borrowers introduced by the Petitioner to the Respondent, so that the arbitrator is ready to ascertain what appropriate arrangements should be put in place to deal with the disputes and differences between the parties. The aforesaid restraint on having any further accounts frozen would apply for a period of eight weeks from the time the arbitral tribunal is approached after the uploading of this order. The parties shall approach the arbitral tribunal within two weeks from the date of upload of this order, so that effective arrangements can be made between the parties.

5. With the aforesaid observations, this Petition is ***finally disposed of*** in the following terms:-

A] Mr. Udayan Shah, 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 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.

6. Needless to say, nothing contained in this order is an expression of an opinion on merits of the matter or the relative strength of the parties. All issues on merits are expressly kept open to be agitated before the arbitral tribunal appointed hereby.

7. The parties may mould the contents of their pleadings made in this Petition to update the arbitral tribunal about subsequent events so that the arbitral tribunal has access to the factual position when making interlocutory arrangements. 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.]