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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO. 142 OF 2025

Hansa Deepak Hathiramani

...Petitioner

Versus

Tropicana Leisure Hospitality Pvt. Ltd.
and Ors.

...Respondents

Mr. Aurup Dasgupta a/w *Ms. Drshika Hemnani and Ms. Prapti Bhadra i/b M/s. Jhangiani, Narula & Associates for the Petitioner.*

Mr. Tushad Kakalia a/w *Mr. Areez Gazdar and Ms. Prarthana Balasubramanian for Respondent Nos. 1 and 2.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JUNE 23, 2025

ORDER :

1. This Petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (“*the Act*”).

2. Learned Counsel for the parties jointly submit that this Petition may be disposed of by appointing a sole arbitrator to conduct the arbitration proceedings and converting this Petition into an Application under Section 17 of the Act for consideration by the Arbitral Tribunal appointed hereby.

3. In these circumstances, this Petition is *finally disposed of* by appointing a sole arbitrator in the following terms:

A] Justice (Retired) Shri. S.J. Kathawalla, former Judge of this Court is hereby appointed as the Sole Arbitrator to adjudicate upon the disputes and differences between the parties covered by this Petition.

Address : 43, Free Press House, 4th Floor,
215, Free Press Journal Marg,
Nariman Point, Mumbai -400 021.
Email: skathawalla@gmail.com

B] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocate 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 Advocate for the Petitioner so as to enable them to file the same in the Registry of this Court. The Registry of this Court shall retain the said Statement on the file of this Petition and a copy of the same shall be furnished by the Advocate for the Petitioner to the Respondents;

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.

4. The pleadings in this Petition shall stand converted into an Application under Section 17 of the Act for consideration by the Learned Sole Arbitrator. The parties shall approach the Arbitral Tribunal appointed hereby for appropriate instructions.

5. Learned Counsel for the Petitioner also submits that he has no desire to proceed against Respondent No.3 in the arbitral proceedings. Consequently, in the Section 17 Application filed before the Arbitral Tribunal, name of Respondent No.3 shall be deleted for all purposes of that Application.

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. 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.]