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

ARBITRATION PETITION NO. 210 OF 2025

Ashok Sardana

...Petitioner

Versus

Tropicana Leisure Hospitality Pvt. Ltd.

...Respondent

Mr. Aurup Dasgupta a/w Ms. Prapti 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 25, 2025

ORDER :

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

2. Learned Counsel for Respondent Nos. 1 and 2 tendered an order dated September 3, 2024 passed by a Learned Single Judge of this Court by which another Petition filed under Section 9 of the Act was disposed of, referring the disputes to an arbitrator appointed thereby. That Petition into an Application under Section 17 of the Act. He requests that an identical order be passed in this matter. The Petitioner has no quarrel with this approach.

3. Consequently, this Petition is ***finally disposed of*** 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. This Petition shall stand converted into an Application under Section 17 of the Act. The parties may seek instructions from the Learned Arbitral Tribunal as to how to proceed further with the Application under Section 17 of the Act.

5. 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.

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.]