

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION (L) NO.9973 OF 2025**

Trinity Freight Forwarder
Versus
Union of India

...Petitioner

...Respondent

Ms Malaika Castellino *a/w Ms Sumandevi Yadav, Advocates for Petitioner.*

Mr. Pranil K. Sonawane *a/w. Mr. Deepak Hariasra, Raj Chourasia & Vedashree Phadke, Advocates for Respondent.*

**CORAM: SOMASEKHAR SUNDARESAN, J.
DATE : APRIL 2, 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 arising out of Agreement dated August 4, 2021 (*“Agreement”*). The arbitration clause is contained in this Agreement. 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. Today, when the matter is called out, Learned Counsel for the parties indicate their willingness to proceed to arbitration, but are unable to agree on the identity of the arbitrator. Consequently, all

disputes and differences covered by these proceedings hereby stand referred to a sole arbitrator.

3. The Section 9 Petition stand converted into an Application under Section 17 of the Act of consideration by the arbitral tribunal appointed hereby. Given the efflux of time, the Petitioner is at liberty to modify or mould the contents of Section 9 Petition for its consideration as a Section 17 Application.

4. In these circumstances, the Section 9 Petition is hereby ***finally disposed of***, in terms of the following order :-

A] Mr. Bhushan Walimbe, 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 Petitioner within a period of one week from today. The Petition 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, 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.]