

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 30 OF 2025**

M/s Crawford Wisdom Private Limited & Ors ...Applicants

Versus

M/s Healthburg Multi Specialty Hospitals Private Ltd & Ors ...Respondents

Mr. Laxman K. Kalel, i/b Ganesh, for the Applicants.

None for Respondents.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JUNE 12, 2025

PC :

1. This Application 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 that are said to have arisen between the parties under an agreement dated December 26, 2021. The arbitration agreement is contained in Clause 4 (found at Page 32 of the Application). 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. It is evident that service is completed. Despite service none appears for the Respondents.

3. By invocation notice dated December 15, 2024, the Applicants have nominated the arbitrator whereas the Respondents have not nominated any arbitrator. Even a request or proposal for appointment of a sole arbitrator has not been made with a specific reply by any of the Respondents.

4. In these circumstances, the arbitration agreement entails a three-member arbitral tribunal. There is no option but to appoint a nominee arbitrator on behalf of the Respondents. The arbitrator nominated by the Applicants and the nominee arbitrator appointed on behalf of the Respondents hereby shall jointly select the presiding arbitrator for conduct of arbitration in accordance with the arbitration agreement.

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

A] Mr. Aniesh Jadhav, a learned advocate of this Court is hereby appointed as a nominee Arbitrator on behalf of the

Respondent to adjudicate upon the disputes and differences between the parties arising out of and in connection with the Agreement referred to above;

Email ID: anieshjadhav@gmail.com

B] A copy of this Order will be communicated to the nominee Arbitrator by the Advocates for the Applicants within a period of one week from the date on which this order is uploaded on the website of this Court. The two nominee Arbitrators shall appoint the presiding Arbitrator. The Applicants shall provide the contact and communication particulars of the parties to the Arbitral Tribunal along with a copy of this Order;

C] The Arbitral Tribunal is requested to forward the statutory Statement of Disclosure under Section 11(8) read with Section 12(1) of the Act to the Advocates for the Applicants 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 Advocates for the

Applicants to the Respondents;

D] The parties shall appear before the Arbitral Tribunal 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.

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.]