
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION APPLICATION NO.173 OF 2025

Tata Capital Limited
Versus
Akshiti Marketing & Anr.

...Applicant
...Respondent

Mr. Gaurav Jangle a/w. *Kunjita Shah i/b. I.V.Merchant & Co.,
Advocate for Applicant.*

Respondent was represented, but the appearance has not been given.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : JUNE 10, 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 a Loan cum Hypothecation Agreement dated March 23, 2022 (***“Agreement”***). The arbitration agreement is contained in Clause 12 (found at Page 106 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. Today, when the matter is called out, Learned Counsel for the parties jointly submit that they would be agreeable to have all disputes and differences between them in connection with the aforesaid Agreement referred to resolution by an arbitral tribunal, leaving it open to the parties to seek such interlocutory reliefs as they may desire from the arbitral tribunal.

3. In these circumstances, this Application is hereby ***finally disposed of***, in terms of the following order:

A] Presolv360, an independent online dispute resolution institution is directed to appoint a sole arbitrator to adjudicate upon the disputes and differences between the parties arising out of and in connection with the Agreement referred to above and administer the same;

B] The contact particulars of the Director, Presolv360 are set out below:-

Email id : info@presolv360.com

Contact No. : +91-9820167337

Address : 1st Floor, Esperanca Building,
Shahid Bhagat Singh Road,
Colaba, Mumbai – 400 001.

Website : www.presolv360.com

C] A copy of this Order will be communicated to Presolv360 by the Advocates for the Applicant within a period of one week from the date on which this order is uploaded on the website of this Court. The Applicant shall provide the

contact and communication particulars of the parties to Presolv360 along with a copy of this Order;

D] It is clarified that Presolv360 being an ODR institution, all proceedings will be conducted online through electronic mode, unless otherwise agreed between the appointed Arbitrator and the parties, with appropriate notification to the administration of Presolv360.

E] The administration of Presolv360 is requested to appoint an independent arbitrator in compliance with the Act and its own rules consistent with the Act as soon as possible and in any event within a period of two weeks from receipt of a copy of this Order;

F] 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 administration of Presolv360 and any other particulars as reasonably requested by the administration. Communications to such email addresses shall constitute valid service of correspondence in connection with the arbitration;

G] All arbitral costs and fees of the arbitration 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; and

H] The seat of the arbitration shall be deemed to be the same as the seat discernible from the Agreement while the arbitration shall primarily be conducted online.

4. 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.

5. 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.]