

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION APPLICATION NO. 218 OF 2025

Vijaykumar Devichand Jain ...Applicant

Versus

Swastik Construction Company & Anr ...Respondents

Mr. Uzair Surangiwala, for the Applicant.

Mr. Shrey Fatterpekar, a/w Nirav Marjadi, Rebha Dogra, Kushal Harnesha, i/b Solicis Lex for Respondents.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JULY 29, 2025

ORDER :

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 October 11, 2022 (***“Agreement”***).

2. Learned Counsel for the Respondents has entered appearance and accepts notice and submits that Respondents have no quarrel to proceed to arbitration forthwith. In these circumstances, without getting into the details of the disputes between the parties all

disputes and differences as covered in the captioned Application are hereby referred to arbitration by consent of the parties.

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

A) Ms. Smita Thakur, 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;

Office Address:- Office No 35, 2nd Floor,
Maharashtra Bhavan,
Near Bora Masjid,
Besides Old Handloom House,
Fort, Mumbai – 400 001.

Email ID: smitathakur2510@gmail.com

B) A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Applicant within a period of one week from the date of upload of this order. The Applicant 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.

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.]