

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION APPLICATION NO. 338 OF 2025**

Three Circles ...Applicant

Versus

Tata Projects Limited ...Respondent

Ms. Sonal, Counsel, a/w Jimish Shah, Nirvi Shah, for the Applicant.

Ms. Sushma Nagaraj (through VC), a/w Vibhuti Keny, Adyasha Das, for Respondent No.1.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : AUGUST 1, 2025

ORDER :

1. Not on board. By consent of the parties taken on board.
2. 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 the agreements in this Application.
3. Learned Counsel for the Respondent submits that without prejudice to all rights and contentions including the objection as to

jurisdiction, she has instructions to agree to proceed to arbitration before a Learned Arbitral Tribunal appointed by this Court. The Arbitral Tribunal shall decide all matters, including the issue of jurisdiction of the Arbitral Tribunal.

4. In these circumstances, taking on board the consent of the parties, this Application is ***finally disposed of*** referring the parties to arbitration in the following terms:-

A) Mr. Justice Shantanu Kemkar (Retired), a former judge 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;

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90 Feet Road, Mulund East,
Mumbai – 400 081

Email ID: justicekemkar@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.

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.]