

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COMM. ARBITRATION APPLICATION NO.398 OF 2025

Dipika Silk Mills Private Limited & Anr. .. Applicants
Vs.
Oyo Workspaces India Private Limited . . Respondent

RAMESHWAR
LAXMAN
DILWALE

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Ms. Mansi Kaku, Advocate for the Applicants.
Adv. Prakashan Bathey i/by DMD Advocates, Advocates for the
Respondent.

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CORAM : GAUTAM A. ANKHAD, J.

DATE : 30th SEPTEMBER 2025.

P.C. :

1. The parties submit that Hon'ble Shri Justice J. P. Devdhar, former Judge of this Court who was appointed as an Arbitrator in the matter has expressed his inability to continue with the arbitration proceedings due to health reasons. My attention has been invited to the Minutes of 25th Meeting of the Tribunal held on 8th August 2025 at page 30 of the Application. In view of the said Minutes, the parties have mutually agreed to appoint Hon'ble Shri Justice S. J. Kathawalla, former Judge of this Court.

2. The arbitration is at the stage of cross-examination of the claimant witnesses. In these circumstances, taking on board consent of the parties, this Petition is finally disposed of in the following terms:-

A] Hon'ble Shri Justice S. J. Kathawalla, 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

dated 9th December 2019;
Email:skathawalla@gmail.com

B] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocate for the Petitioner within a period of one week from the date on which this order is uploaded on the website of this Court. The Petitioner 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 Advocate for the Petitioner 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 Advocate for the Petitioner to the Respondents;

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] The fees of the Learned Sole Arbitrator shall be as per the Fourth Schedule of the Act read with the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018. 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.

F) All issues on merits are expressly kept open to be agitated before the arbitral tribunal appointed hereby.

H) The arbitration shall be held at Mumbai.

[GAUTAM A. ANKHAD, J.]