

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION PETITION NO.28 OF 2025
WITH
ARBITRATION APPLICATION NO.36631 OF 2024

Sunil Tolaram Kukreja and Anr. ...Petitioners
Versus
Mohan Tolaram Kukreja and Ors. ...Respondents

Mr. Venkatesh Dhond, Senior Advocate a/w. Ms. Atika Vaz, Mr. Anumeha Karnatak, Ms. Madri Chandak i/b Shardul Amarchand Mangaldas & Co. for the Petitioners.
Mr. Chirag Mody a/w. Mr. Ranjeev Carvalho, Mr. Rishab Murali, Ms. Sakshi Agarwal i/b Mr. Bipin Joshi for Respondent No.1.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE: JANUARY 23, 2025

PC :

1. This Petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (*"the Act"*).
2. As agreed between the parties, and confirmed to me today, upon taking instructions, by Learned Counsel representing the parties, all disputes and differences between the Petitioners and Respondent No.1 (who I am informed have an ownership interest of 50% each in the

Respondent No.2-partnership firm) shall stand referred to a resolution by arbitration by Justice Akil Kureshi, former Chief Justice of Rajasthan and Tripura High Courts and former Judge of this Court, who shall act as the Sole Arbitrator to adjudicate all disputes and differences between the parties as covered by the contents of this Petition.

3. This Section 9 Petition shall be treated as an Application under Section 17 of the Act by the Learned Sole Arbitrator appointed hereby. Given the efflux of time, the Petitioner shall be at liberty to modify and mould the contents of the Petition at the stage of the hearing of the Application under Section 17 of the Act.

4. The parties shall approach the Learned Sole Arbitrator at a time convenient to him no later than January 30, 2025 and request him to issue appropriate interim arrangements pending conduct of the Arbitral proceedings, to be passed within a period of two weeks thereafter.

5. In these circumstances, the Section 9 Petition is finally disposed of in the following terms:

A] Chief Justice (Retd.) Akil Kureshi, 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: 617, Raheja Chambers, Nariman Point, Mumbai.

E-mail ID: akilkureshi@gmail.com

B] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Petitioner within a period of one week from today. 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 parties;

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.

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.]