

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

Commercial Arbitration Petition NO. 92 OF 2025

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Hotel KK India Private Limited

...Petitioner(s)

Versus

Concept Hospitality Private Limited

...Respondent(s)

Mr. Ranjeev Carvalho a/w. *Mr. Rushab Murli, Mr. Harsh Kesharia, Mr. Shubham Mishra i/b.M/s. Shah And Furia Associates, for Petitioner. Respondent was represented but appearance has not been submitted.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : April 9, 2025

P. C.

1. This is a Petition 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 August 28, 2017.

2. Learned Counsel for the parties jointly submit that they are willing to proceed to arbitration forthwith in respect of all disputes and differences between then underlying this Petition filed under Section 9 of the Act without the need of filing a Section 11 Application. The Section 9 Petition shall be converted into an Application under Section 17 for consideration by the arbitral tribunal appointed hereby. Consequently, this Petition is *finally disposed of* in the following terms :

A] Mr. Jimmy Avadia, a learned advocate of this Court (jimmy.avasia@gmail.com), 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;

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 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 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.

3. 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.

4. Since the 9 Petition is being converted directly into an Application under Section 17 of the Act, the parties shall approach the Arbitrator within a week of the upload of this Order and seek instructions on how to proceed further. The arbitral tribunal is requested to convene at the earliest to deal with interlocutory reliefs as sought in the Petition.

5. Since the Petition is disposed of, the connected Interim Application shall also stand disposed of.

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.]