

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION PETITION NO.217 OF 2025

Mohammed Salim Kader

.....Petitioner

Versus

Aamir Anwar Qureshi

...Respondent

Mr. Ashok Saraogi a/w. *Sushil Upadhyay & Priti Rao, Advocates for Petitioner.*

Mr. V.H. Narvekar a/w. *M.S. Mulla, Advocates for Respondent.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : AUGUST 5, 2025

ORDER :

1. This Petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (*"the Act"*).
2. After the matter was argued for some time, Learned Counsel for the parties have consensus on proceeding to arbitration forthwith with an expedited hearing of this Petition as if it were an Application under Section 17 of the Act before the Learned Arbitral Tribunal.
3. In these circumstances, all disputes and differences covered by this Petition stand referred to arbitration, without the need for filing a formal Application under Section 11 of the Act.

4. The parties are hereby referred to arbitration by consent and these proceedings shall be converted into proceedings under Section 17 of the Act. The Learned Arbitral Tribunal shall convene at the earliest to hear the parties and decide what is to be done with the interlocutory arrangements obtaining till date,

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

A] Mr. Amrut Joshi, 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.

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 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 and;

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. 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.

7. 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.]