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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
COMM. ARBITRATION PETITION NO. 247 OF 2025

Heeren And Co.

...Petitioner

***Versus***

Union of India

...Respondent

**Mr. Indra Kumar Lahoti** *i/b Praxis Legal for the Petitioner.*  
**Mr. R.P.Ojha** *for the Respondent.*

**CORAM : SOMASEKHAR SUNDARESAN, J.**

**DATE : APRIL 9, 2025**

**PC :**

1. Learned Counsel for the parties jointly submit that the arbitrator may be substituted in exercise of powers under Section 14 of the Arbitration and Conciliation Act, 1996 ("***the Act***") on the ground of undue delay in conduct of the proceeding. It is seen from the record that the Learned arbitrator was appointed on January 24, 2018 and arguments had commenced on July 30, 2019. Thereafter, no hearing or meeting has actually been held although several dates were decided and the mandate had expired.

2. By an order dated April 3, 2024 the mandate of the Arbitral Tribunal had been extended until October 3, 2024 but no proceedings or meetings were ever held even during such extended period.

3. Today, Learned Counsel for the parties jointly submit that an appropriate junior advocate of this Court may be appointed to conduct

arbitration in the matter and they also submit that without the need to file a specific application under Section 29-A of the Act the mandate of the Arbitral Tribunal may also stand extended.

4. In these circumstances, in exercise of powers conferred under Section 14 of the Act read with Section 29-A of the Act, the arbitral tribunal stands replaced in the following terms, with the mandate of the Arbitral Tribunal also being extended for a period of one year from today:

A] Ms. Ridhi Nyati, 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;

Address : Chambers of George Rebello,

415, Vardhman Chambers, 17, Cawasji Patel Street,  
Fort, Mumbai – 400 017.

E-mail : ridhi@georgerebello.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 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 Advocates 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 Advocates for the Petitioner to the Respondent;

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, the substituted arbitrator would resume the proceedings from the stage at which they are, i.e., taking on record the pleadings and the written submissions as filed till date, and continue from this stage.

6. Needless to say, conduct of the arbitration being entirely under the domain of the Arbitral Tribunal, the Arbitral Tribunal may indeed grant liberty to file an additional affidavit should it feel the same is necessary.

7. The Petition is ***finally disposed of*** in the aforesaid terms.

8. 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.

9. 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.]**