
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION PETITION NO. 277 OF 2025

Bhupendra Damodar Tank ...Petitioner

Versus

Sheth Developers Private Limited & Ors ...Respondents

Mr. Satyavan N. Vaishnav, a/w Armaan Grewal, i/b N. N. Vaishnawa & Co. for the Petitioner.

Mr. Nilesh Gala a/w Minil Shah for Respondent Nos.2 to 4.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 24, 2025

PC :

1. This Petition has been filed under Section 9 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 agreements dated January 6, 2010 and July 14, 2017. The arbitration agreement is contained in Clause 36 (found at Page 108 of the Petition). In the interest of brevity, the arbitration agreement is not being extracted here. Suffice it to say that this matter falls within the jurisdiction of this Court.

2. Learned Counsel for the parties jointly submit that all the disputes and differences covered by this Petition filed under Section 9 may be referred to arbitration without the need to file an Application under Section 11 of the Act.

3. In these circumstances, this Petition stands converted into an Application under Section 17 for consideration by the arbitral tribunal appointed hereby.

4. This Petition is hereby *finally disposed of*, in terms of the following order:

a) Justice (Retd.) Ramesh D. Dhanuka, a former chief justice 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;

Office Address:-

1101, President House,
83/85, N. P. Marg,
Near Sasoon Dock,
Colaba, Mumbai – 400 005.

Email ID: rameshdhanuka5@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 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 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;

- 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, 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.

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.]

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