

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION PETITION NO.298 OF 2025
WITH
IN PERSON APPLICATION (L) NO.6585 OF 2025

Strategic Brand Solutions
Versus

...Petitioner

Mutha Construction

...Respondent

Appearance not received.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 17, 2025

PC :

1. By an Order dated March 4, 2025, an extension of mandate of the arbitral tribunal was effected. Since it was submitted to me that the record and pleadings were unavailable with the Respondent and with the tribunal, it was directed in the said order that the record and proceedings may be recreated, if neither side and or the arbitral tribunal have a copy of the proceedings.

2. The matter has been listed today since the Learned Arbitral Tribunal appears to have informed or the Learned Arbitral Tribunal too has interpreted the order to mean that the proceedings must necessarily be conducted *de novo*. Consequently, a clarification from

this Court has been sought at the request of the Learned Arbitral Tribunal.

3. It is made clear that the last order referred to recreation of the record only because since it was expressed by the Respondent that the record was incomplete and that all the parties did not have a copy of the same. It is made clear that the Learned Arbitral Tribunal is a master of the proceedings and the record before it. The Arbitral Tribunal would be at liberty to issue such directions as it deems fit, to enable smooth conduct of the arbitral proceedings.

4. It is made clear that it was not at all meant that the arbitral proceedings must be conducted *de novo*. Should the record and proceedings indeed be available with the Learned Arbitral Tribunal or with the Petitioner, a copy of whatever is available with them may be shared with the Respondent (who claims to not have the full record), so that all parties are on the same page. The arbitration is meant to continue from the stage at which it was when the mandate had expired.

5. 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.]