

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION APPLICATION (L) NO.11857 OF 2025

AIM Saya Decoration LLP

...Applicant

Versus

Saya Grand Club & Spa Resort LLP & Ors.

...Respondents

**COMMERCIAL ARBITRATION PETITION NO.318 OF 2025
(NOT ON BOARD)**

AIM Saya Decoration LLP

...Petitioner

Versus

Saya Grand Club & Spa Resort LLP & Ors.

...Respondents

Mr. Aseem Naphade *a/w. Ms Jayashri Manjrekar and Ms Priyanka Ghosh i/b M/s. Solicis Lex, Advocates for Applicant/Petitioner.*

Mr. Suresh Sabrad *a/w. Pratik Sabrad, Amey Sawant, Neha Zanje & Gracy Saldana i/b. Pratik Sabrad, Advocates for Respondent.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : JUNE 10, 2025

PC :

1. This Application 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 arising out of a Decoration Agreement dated July 28, 2021 and a Catering &

Booking of Function/Events Agreement dated May 31, 2022 (***“Agreements”***). The arbitration agreement is contained in Clause 15 and 14 of these Agreements respectively (found at Page Nos.42 and 52 of the Application). In the interest of brevity, the same are not reproduced here. Suffice it to say that the matter falls within the jurisdiction of this Court.

2. Today, when the matter is called out, Learned Counsel for the Respondents submits that he has no quarrel with the existence of an arbitration agreement and Respondents are willing to proceed to arbitration forthwith. Learned Counsel for both sides jointly submits that they would be willing to proceed to arbitration in the following terms :-

A] Mr. Sanjay Jain, 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.

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B] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Applicant within a period of one week from today. The Applicant 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.

3. Commercial Arbitration Petition No.318 of 2025 is a Petition under Section 9 of the Act, which is to be listed on June 11, 2025. By consent of the parties, the same is also taken on today's Board and converted into an application under Section 17 of the Act. The Learned Sole Arbitrator appointed hereby is requested to convene at the earliest preferably within a week from being approached to consider such Section 17 application.

4. With the aforesaid directions, both the Section 11 Application as well as the Section 9 Petition referred to above stand ***finally disposed of***.

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.]