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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMM. ARBITRATION PETITION NO. 391 OF 2025

Chhaganlal Karsandas Danani

...Petitioner

Versus

Prince Enterprises and Ors.

...Respondents

Advocate for the Petitioner appeared but appearance not tendred.

Mr. Rohan Cama a/w Mr. Suraj Shukla i/b Shah Legal for Respondent Nos. 1 to 5.

Mr. P.N Modi, Senior Advocate a/w Mr Kyrus Modi i/b Narayanan & Narayanan for Respondent Nos.6 to 9.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JULY 4, 2025

ORDER :

1. This is a Petition under Section 9 of the Arbitration and Conciliation Act, 1996 (“*the Act*”).

2. Since it was Court that put to the parties that their interests would be better served by commencing the arbitration forthwith rather than engaging in pleadings in this Court, the Learned Arbitral Tribunal is requested to convene within a week from the date this order is uploaded on the website of this Court and issue appropriate directions on how to carry the matter further. In these terms, the parties shall proceed directly to arbitration before the Learned Arbitral Tribunal being appointed hereby.

3. In these circumstances, no useful purpose would be served by keeping this matter pending any further on the docket of this Court. This Petition is finally disposed of in the following terms:-

A] Justice (Retired) Shri. R.D. Dhanuka, Former Judge of this Court is hereby appointed as the Sole Arbitrator to adjudicate upon the disputes and differences between the parties ;

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Marg, Nariman Point, Mumbai – 400 021.

E mail : rameshdhanuka5@gmail.com

B] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocate 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 Advocate for the Applicant 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 Advocate for the Petitioner to the Respondents;

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.

4. 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.

5. This petition is ***finally disposed of*** in the aforesaid terms.

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.]