
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION PETITION NO. 741 OF 2025
WITH
COMMERCIAL ARBITRATION APPLICATION (L) NO. 25078 OF 2025

Harsha Jagdish Thakkar

...Petitioner

Versus

Bhagwandas Morarji Thakkar & Ors

...Respondents

Mr. Prashant Sarwankar, for the Petitioner.

Mr. G.S. Bhat, for Respondents.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : SEPTEMBER 24, 2025

ORDER :

1. Application under Section 11 of the Arbitration and Conciliation Act, 1996 (***“the Act”***) bearing Commercial Arbitration Application (L) No.25078 of 2025, which has been filed but is not on board today, is taken on board by consent of the parties. The Application under Section 11 seeks appointment of an arbitrator in connection with disputes and differences that are said to have arisen between the parties under an agreement dated November 14, 2000 (***“Agreement”***). The arbitration agreement is contained in Clause 17 (found at Page 54 of the Application). In the interest of brevity, the

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arbitration agreement is not being extracted here. Suffice it to say that this matter falls within the jurisdiction of this Court.

2. Having heard the matter for some time, the consent of the parties has been taken on record to proceed to arbitration forthwith to have all the disputes and differences between them in connection with the aforesaid agreement referred to resolution by an arbitral tribunal, leaving it open to the parties to seek such interlocutory relief as they may desire from the arbitral tribunal.

3. The arbitral tribunal is appointed in the following terms:-

A) Mr. Mutahhar Khan, 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;

Office Address:- C/o Sharan Jagtiani,
Ground Floor, Oval House,
British Hotel Lane,
Fort, Mumbai – 400 001.

Email ID: mutahhar.m.khan@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 of upload of this order. 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.

4. It shall be open to the arbitral tribunal, upon hearing the parties to consider appointment of a receiver forthwith including a private receiver, since, despite the firm being dissolved, there is no response whatsoever from the Respondent. The direct appointment of an arbitral tribunal is being effected to save time for the Petitioner and to enable the Petitioner to have access to an adjudicatory forum at the earliest, instead of spending further time before this Court with parties filing replies and rejoinder in the Section 9 Petition.

5. With the aforesaid directions, both the captioned proceedings are *finally disposed of*.

6. The arbitral tribunal is requested to convene forthwith preferably within a one week of being approached to issue directions to the parties in the matter.

7. 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.

8. 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.]