

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

COMMERCIAL ARBITRATION PETITION NO. 1106 OF 2025

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Tata Capital Limited
Earlier known as Tata Capital
Financial Services Limited

...Petitioner

Versus

1. Mark Enterprises
2. Prashant Balchandra Bandewar
3. Ujjwala P. Bandewar

...Respondents

Mr. Akshita Jain a/w. Adv. Akshit Vats i/b I V Merchant & Co.,
for Petitioner.

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : December 23, 2025

ORDER :

1. This is a Petition under Section 15 of the Arbitration and Conciliation Act, 1996 (“***the Act***”) pursuant to Mumbai Centre for International Arbitration (“***MCIA***”) having closed the reference because of differences between the parties about the fees payable, which according to the Petitioner is not consistent with the Act.

2. It is seen from the record that MCIA has closed the reference without appointment of an arbitrator. In these circumstances, the arbitrator is hereby substituted in the following terms:-

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A] Presolv360, an independent online dispute resolution institution is directed to appoint a sole arbitrator to adjudicate upon the disputes and differences between the parties arising out of and in connection with the Agreement referred to above and administer the same;

B] The contact particulars of the Director, Presolv360 are set out below:-

Email id : info@presolv360.com

Contact No. : +91-9820167337

Address : 1st Floor, Esperanca Building,
Shahid Bhagat Singh Road,
Colaba, Mumbai – 400 001.

Website : www.presolv360.com

C] A copy of this Order will be communicated to Presolv360 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 Presolv360 along with a copy of this Order;

D] It is clarified that Presolv360 being an ODR institution, all proceedings will be conducted online through

electronic mode, unless otherwise agreed between the appointed Arbitrator and the parties, with appropriate notification to the administration of Presolv360.

E] The administration of Presolv360 is requested to appoint an independent arbitrator in compliance with the Act and its own rules consistent with the Act as soon as possible and in any event within a period of two weeks from receipt of a copy of this Order;

F] 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 administration of Presolv360 and any other particulars as reasonably requested by the administration. Communications to such email addresses shall constitute valid service of correspondence in connection with the arbitration;

G] All arbitral costs and fees of the arbitration 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; and

H] The seat of the arbitration shall be deemed to be the

same as the seat discernible from the Agreement while the arbitration shall primarily be conducted online.

3. 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.

4. The Petition is *finally disposed of*.

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.]