

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.1390 OF 2025
IN
ARBITRATION PETITION NO.73 OF 2025

Ashok Rajkumar Gupta	...Applicant
Versus	
Godrej Finance Limited	...Respondent

Applicant was represented, but the appearance has not been given.

None for the Respondent.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 17, 2025

PC :

1. By an Order dated March 24, 2025, the Applicant was directed to file an Application to recall an ex-parte order passed by the arbitrator under Section 17 of the Arbitration and Conciliation Act, 1996 (***“the Act”***). The Applicant had also moved an Application under Section 16 of the Act challenging the allegedly unilateral appointment of the arbitrator, and challenging the jurisdiction of the arbitrator so appointed.

2. The matter was then listed on April 3, 2025, when yet again, none appeared on behalf of the Respondent and the restraint passed by the Learned Arbitral Tribunal continued.

3. Today, when the matter is called out, I am informed that the arbitrator has not reverted at all despite the attention of the arbitrator having been drawn to the aforesaid two orders. Besides, yet again none appears for the Respondent.

4. In these circumstances, standing over the matter to April 30, 2025, the effect and operation of the impugned order is hereby stayed. However, it is also made clear that the *status quo* obtaining as of today shall not be disturbed by the parties including the the Applicant, until the next date. This arrangement is made purely to give a chance to the Respondent to enter appearance and address the fundamental issue as to whether the arbitrator has been unilaterally appointed since nearly a month has gone by since the order dated March 24, 2025 was passed.

5. It is expected that before the next date, the parties would draw the attention of the arbitrator and the Respondent. Service shall be effected by all permissible modes and a service affidavit to this effect shall be filed before the next date. On the next date, it is expected that the Respondent shall address the Court on the issue of whether the arbitrator was unilaterally appointed.

6. List on *April 30, 2025* on the *Supplementary Board*.
7. 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.]