
**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**

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Ashok Rajkumar Gupta
Versus
Godrej Finance Limited

...Petitioner(s)

...Respondent(s)

Mr. Devang Manjrekar *and Deshna Parikh, for Petitioner.*

Ms. Karen Dsouza *i/b Chambers of Jangra and Associates, for Respondent.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : April 30, 2025

P. C.

1. Learned Counsel for the Respondent has entered appearance. Upon a specific query from the Court to confirm as to whether the arbitrator had been appointed by consent or by direction of a jurisdictional court under Section 11 of the Arbitration and Conciliation Act, 1996, upon instructions, Learned Counsel submits that the invocation notice has indeed been sent and was evidently received by the Petitioner, who had not replied. However, she is unable to demonstrate that either there was any consent from the Respondent to the arbitrator appointed or that the arbitrator had been appointed by a jurisdictional High Court pursuant to such absence of consent

from the Respondent. Therefore, *prima facie*, it is apparent that the arbitrator was unilaterally appointed.

2. In these circumstances, the impugned award deserves to be stayed. Any attachment made pursuant to the impugned award shall be lifted within one week of the upload of this order.

3. Liberty to file an affidavit by the Respondent since the Respondent insists that despite the aforesaid position, the appointment should not be considered to be unilateral. Let such reply be filed no later than May 9, 2025. Rejoinder, if any, no later than May 16, 2025. List for further consideration on ***June 11, 2025***.

4. 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.]