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

INTERIM APPLICATION NO. 1750 OF 2025
IN
ARBITRATION PETITION (L) NO. 12888 OF 2025

Dipesh Anil Prasad and Anr.

...Applicants

Versus

Mangal Credit and Fincorp Limited

...Respondent

Mr. Gouresh Mogre a/w Mr. Dileep Satale and Ms. Padma Chinta for the Applicant.

None for the Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JULY 10, 2025

ORDER :

1. This Interim Application is filed for condonation of delay. Learned Counsel for the Petitioner submits that an award dated December 16, 2024 is passed ex-parte and is a product of a unilaterally appointed arbitrator. He submits that the arbitral proceedings conducted are entirely bad in law and he had never consented to the appointment of any Arbitrator.

2. Likewise, upon perusal of the impugned award it is apparent that the arbitrator has not entered reference pursuant to any order passed by any Section 11 court. The impugned award records that a notice had been received from the Respondent with a copy to the Petitioner and the Learned Arbitrator has given its concurrence to act as an arbitrator and went on to conduct the arbitration proceedings on his own.

3. In these circumstances, the Advocate for the Petitioner was directed to attempt service yet again on the Respondent to ensure that the Respondent is heard. Learned Counsel for the Petitioner submits that he has been unable to serve the Respondent on the very address designated for the Respondent in the impugned award which depicts the address of the Respondent.

4. Therefore, purely as an ad-interim measure the effect and operation of the impugned order is stayed until the next date. Learned Advocate for the Petitioner shall approach the Registry to seek the address and contact particulars of any Advocate on Record representing the Respondent in any other proceedings pending in this Court and serve a copy of this order on such Advocate on Record, who shall then draw the attention of the Respondent to the initiation of these proceedings. This step is being taken because multiple applications from this very Respondent are seen in the docket of this Court.

5. Once the Respondent has notice of this order through the aforesaid process, the Respondent shall be at liberty to explain the manner in which the Arbitral Tribunal came to be appointed. Learned Advocate for the Petitioner shall complete such activity within a period of one week from today.

6. Stand over to ***July 18, 2025***.

7. This order is being dictated in the presence of Advocate for the Petitioner and the contents shall be acted upon without waiting for the upload.

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.]