



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

MISC. CIVIL APPLICATION (ARBN) NO.811/2025
M/s Fountainhead Vs. Maharashtra Metro Rail Corporation Ltd.

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mrs.Shubhangi Jadhao & Mr. Sarthak Bhartiya, Adv.for Applicant

CORAM: NIVEDITA P. MEHTA, J.

DATED : 17th NOVEMBER, 2025

1. Heard learned counsel for the applicant.
2. The applicant has filed the present application under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator for adjudication of the disputes arising between the parties. The applicant has invoked Clause 33 of the Agreement dated 30.05.2016, pursuant to which conciliation proceedings were initiated; however, the said proceedings failed to yield any settlement. The applicant thereafter issued a notice to the non-applicants on 24.09.2022 invoking arbitration.
3. When queried by this Court regarding the issue of limitation, learned counsel for the applicant submitted that the applicant had earlier instituted an application before the Hon'ble Delhi High Court seeking appointment of an Arbitrator, and that the said application remained pending. It is submitted

that the applicant sought withdrawal of the said proceedings on the ground that the Hon'ble Bombay High Court, Nagpur Bench, Nagpur, has the jurisdiction to entertain the present application. By order dated 19.05.2025, the Hon'ble Delhi High Court disposed of the said application permitting withdrawal. Hence, the applicant has filed the present proceedings.

4. Issue notice to the non-applicants, returnable on 15.12.2025.

5. The applicant is permitted to serve the non-applicants through all available modes of service, including court notice.

(NIVEDITA P. MEHTA, J.)

MP Deshpande