



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

946 ARBITRATION APPLICATION NO. 48 OF 2025

Narsimha Constructions Private Limited Thr Its Managing Directors Mr Mohan
Kashinathrao Kale

VERSUS

Swastik Reality Private Limited Registered Office And Another

...

Advocate for Applicant : Mr. R. C.Brahmankar h/f Mr. Narsinh Laxmanrao
Jadhav

...

CORAM : ARUN R. PEDNEKER, J.

Dated : March 06, 2026

PER COURT :

1. Heard.

2. The learned Counsel for the applicant submits that the applicant entered into Memorandum of Understanding with the respondent dated 07/02/2023. Paragraph No.9 of the said agreement provides for resolution of disputes through arbitration. He submits that certain disputes have arisen between the parties under the said agreement and, therefore, the applicant issued a notice under Section 21 of the Arbitration and Conciliation Act invoking the arbitration clause. It is further submitted that although the notice was issued to the respondent, the respondent has not responded to the same. Hence, the present application has been filed under Section 11 of the Act seeking appointment of an Arbitrator.

3. It appears from the office note that the respondent has been duly served in the matter. However, none has entered appearance on behalf of the respondent.

4. Considering Clause 9 of the Memorandum of Understanding and the notice issued under Section 21 of the Act, the applicant has made out a case for invocation of the arbitration jurisdiction of this Court for appointment of an Arbitrator.

5. Clause 9 of the Memorandum of Understanding reads as under: -

“9) That, the parties to this agreement shall honour their respective commitments and in the event of any dispute between the parties same shall be subject to the jurisdiction of the Court at Aurangabad or Beed and the dispute will be tried to be resolve with mutual understanding and in case it is not possible then the dispute / disputes shall be referred to arbitration of a sole arbitrator and the arbitration proceeding shall be govern under the provisions of Arbitration and Conciliation Act, 1996 or any statutory modification thereof.”

6. Considering the submissions as above, the retired Hon’ble Mr. Justice Sunil P. Deshmukh is hereby appointed as the Sole Arbitrator to adjudicate the disputes between the parties.

7. Accordingly, the arbitration application is disposed of with following order :

a] **Appointment of Arbitrator :-**

Hon’ble Mr. Justice Sunil P. Deshmukh, is appointed to act as sole arbitrator to adjudicate upon the disputes between the parties.

b] Communication to Arbitrator of this order :

(i) A copy of this order will be communicated to the learned Sole Arbitrator by the Advocates for the applicant within one week from the date this order is uploaded.

(ii) In addition, within one week of this order being uploaded, the Registry will forward an ordinary copy of this order to the learned Sole Arbitrator at the following post and email addresses :

Arbitrator	:	Mr. Justice Sunil P. Deshmukh
Address	:	"Neel-Prabha", Next to Hotel Green Olive, Near Baba Petrol Pump, Station Road, Bhagya Nagar, Aurangabad 431 001.
Phone No.	:	9545028282
Email	:	sunilpdeshmukh@gmail.com

c] Disclosure :

The learned Sole Arbitrator is requested to forward the necessary statement of disclosure under Section 11 (8) read with Section 12 (1) of the Arbitration Act to the Registrar of this Court, referencing this arbitration application, as soon as possible, and in any case sufficiently before entering upon the reference to arbitration. That statement will be retained by the Registrar on the file of this application. Copies will be given to both sides.

d] Appearance before the Arbitrator :

Parties will appear before the learned Sole Arbitrator on such date and at such place as the learned Sole Arbitrator nominates and the

parties to obtain appropriate directions from the arbitrator in regard to fixing a schedule for completing pleadings, etc.

e] **Contact / communication information of the parties :**

Contact and communication particulars are to be provided by both sides to the learned Sole Arbitrator within one week of this order being uploaded. The information is to include a valid and functional email address.

f] **Section 16 application :**

The respondent is at liberty to raise all questions of jurisdiction within the meaning of section 16 of the Arbitration Act. All contentions are left open.

g] **Interim Application/s :**

(i) Liberty to the parties to make an interim application or interim applications including (but not limited to) interim applications under Section 17 of the Arbitration & Conciliation Act, 1996 before the learned Sole Arbitrator.

(ii) Any such application will be decided in such manner and within such time as the learned Sole Arbitrator deems fit.

h] **Fees :**

The arbitral tribunal's fees shall be governed by the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.

i] **Sharing of costs and fees :**

As per the Arbitration and Conciliation Act.

j] **Venue and seat of arbitration :**

Seat of the arbitration would be governed by the provisions of the agreement executed between the parties.

(ARUN R. PEDNEKER, J.)

vj gawade/-.