



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

907 ARBITRATION APPLICATION NO. 2 OF 2026

SHRIM BHANU CONSTRUCTION PVT. LTD.

VERSUS

SHRI SAIBABA SANSTHAN TRUST SHIRDI

...

Advocate for Applicant :

Mr. Ninad Tikhekar h/f. Mr. Gastgar Santosh B.

Advocate for Respondent : Mr. Anil S. Bajaj

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CORAM : ARUN R. PEDNEKER, J.

DATE : 10.04.2026

PER COURT:

1. Heard the learned counsel for the parties.
2. Dispute have arisen between the parties out of the agreement dated 22.08.2019. Clause.172 of the Special Conditions of Contract of the E-tender dated 15.03.2018, provides for resolution of the disputes by arbitration.
3. He further submits that the dispute has arisen between the parties and as such the applicant has issued notice dated 13.10.2025 to the respondent for appointment of Arbitrator. However, the respondent did not respond to the same. Hence, the present application has been filed under Section 11 of the Arbitration and Conciliation Act for appointment of an Arbitrator.

4. Clause 172 of the Special Conditions of Contract of the E-tender dated 15.03.2018 is as under :

Arbitration:

172. If any dispute arises and persists between the Contract and the Employer the same shall be referred to an Arbitrator appointed by Shri Sansthan Trust, Shridi, under the Arbitration and Conciliation (amendment) Act 2015 and Arbitration and Conciliation Act 1996.

5. Considering the same, this Court deems it appropriate to exercise powers under Section 11 (6) of the Arbitration and Conciliation Act for appointment of an Arbitrator.

6. Shri S. V. Gangapurwala, former Chief Justice of Madras High Court can be appointed as an Arbitrator to decide the disputes arising between them.

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

a. Appointment of Arbitrator :-

Shri S. V. Gangapurwala, former Chief Justice of Madras High Court 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 : Shri S. V. Gangapurwala,
former Chief Justice of Chennai High Court

Address : Govardhangiri, Kharakuwa,
Near Porwal Bhavan, Aurangabad

Phone No. : 9545111995

E-mail : sanjay.gangapurwala@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 :

As per the Arbitration and Conciliation Act, 1996.

i. Sharing of costs and fees :

As per the Arbitration and Conciliation Act, 1996.

j. Venue and seat of arbitration :

Seat of the arbitration would be governed as per the agreement and Arbitration and Conciliation Act, 1996.

[ARUN R. PEDNEKER, J.]

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