IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

COMMERCIAL ARBITRATION PETITION NO.34 OF 2026

Ujjwal Pune Limited ...Petitioner
Vs.
The Pune Municipal Corporation
Represented By The Municipal
Com Thr The Chief Electrical Engineer ...Respondent

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Mr. Nutash Kotwal a/w. Mr. Keanan Nagporwala i/b Khaitan Legal Associates	Advocate for the Petitioner.
Ms. Sweta Shah i/b. Mr. Abhijit P. Kulkarni	Advocate for the Respondent.

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CORAM : S. M. MODAK, J.

DATE : 1st OCTOBER 2026

P. C. :-

1. The contract is for the purpose of replacing the existing street-light fixtures with dimmable and non-dimmable LED streetlights as elaborated in paragraph 9 of the petition.

2. There is arbitration clause no.26 at page 85 out of that clause

26.2.1 is relevant. It is reproduced for the purpose of easy reference.

> *"Any dispute which is not resolved amicably by direct discussion, as provided in clause 26.1.1 shall be finally decided by reference to arbitration by an arbitral tribunal constituted in accordance with clause 26.2.2. Such arbitration shall be held in accordance with the Arbitration and Conciliation Act, 1996 ("Arbitration Act"), including any amendments thereof, or such other rules as may be mutually agreed by the parties and shall be subject to the provisions of the Arbitration Act. The place of such arbitration shall be Pune and the language of arbitration proceedings shall be English."*

3. Clause says about appointment of three arbitrators. Relevant clause is 26.2.2 which is reproduced below.

> *"There shall be a board of three arbitrators of whom PMC and the Developer shall select one each, and the third arbitrator shall be appointed by the two arbitrators so selected and in the event of disagreement between the two arbitrators, the appointment shall be made in accordance with the Arbitration Act."*

4. As the dispute has arisen the petitioner has taken recourse to the arbitration clause and vide notice dated 20 May 2026 issued to the

Respondent has invoked arbitration clause and suggested name of Dr. Shalini Phansalkar Joshi, former Judge of this Court. On the basis of instructions learned Advocate for the Respondent is agreeable to the said name. In view of that following order is passed:

ORDER

A) Dr. Shalini Phansalkar Joshi, former Judge is appointed as the Sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out and in connection with the matter referred above;

Office address :-
Bunglow No.12,
Bhagva Chintamani Nagar,
Poud Road, Kothrud, Pune-411 038.
Email id :- phansalkarjoshi@gmail.com
Contact No.- 9657188676

B) A copy of this Order will be communicated to the learned sole Arbitrator by the Advocates for the Petitioner within a period of one week from the date of uploading of this order. The petitioner shall provide the contact and communication particulars of the parties to the Arbitral Tribunal along with a copy of this Order;

C) The learned sole Arbitrator is requested to

forward the statutory Statement of Disclosure under Section 11(8) read with Section 12(1) of the Act to the parties within a period of two weeks from receipt of a copy of this Order;

D) The parties shall appear before the learned sole Arbitrator on such date and at such place as indicated, to obtain appropriate directions with regard to conduct of the arbitration including fixing a schedule for pleadings, examination of witnesses, if any, schedule of hearings etc. At such meeting, the parties shall provide a valid and functional email address along with mobile and landline numbers of the respective Advocates of the parties to the Arbitral Tribunal. Communications to such email addresses shall constitute valid service of correspondence in connection with the arbitration;

E) All arbitral costs and fees of the Arbitral Tribunal shall be borne by the parties equally as per the Schedule, subject to the final outcome.

F) The place of sitting will be at Pune.

3. Arbitration Petition is disposed of.

[S. M. MODAK, J.]