

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO.231 OF 2025

Binaifer Yuzud Karanjia
Thr. POA Ms. Delshad B. Karanjia
Versus
Pax Homes LLP
Thr. Its Designate Partner
Vishwajit S. Jhavar & Ors.

....Petitioner
....Respondents

Mr. Rushikesh K. Gaikwad, *for Petitioner.*

Mr. Shubham M. Paygude, *for Respondent No.5.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : FEBRUARY 23, 2026

ORDER :

1. This Petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (*"the Act"*), seeking appointment of an arbitrator in connection with disputes and differences that are said to have arisen between the parties under an agreement dated November 18, 2011 (*"Agreement"*). The arbitration agreement is contained in Clause 32 (Found at Page No.45 of the Petition). In the interest of brevity, the arbitration agreement is not being extracted here. Suffice it to say that this matter falls within the jurisdiction of this Court.

2. This matter, which has been listed from time to time, has been listed under the caption "*For Settlement*" today.

3. Learned Counsel for the Respondents seeks a short adjournment indicating that some payment is expected to be made within a week and the matter could be settled. This is objected to by the Learned Counsel for the Petitioner on the premise that the arbitrator may be appointed since there appears to be no visibility of the transaction repeatedly promised be made.

4. In these circumstances, considering that there is no dispute about the existence of the arbitration agreement, this Petition is disposed of by appointing an Arbitral Tribunal in the following terms :-

A] Mr. Dormaan Dalal, an advocate of this Court is hereby appointed as the Sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of and in connection with the Agreement referred to above;

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Chambers, 25, Nagindas Master Road,
Fort, Mumbai – 400 023.

Email ID: dormaandalal@gmail.com

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 upload 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 in the first instance, and shall be subject to any final Award that may be passed by the Tribunal in relation to costs.

5. However, the effect of this order is deferred by a period of four weeks to enable the parties to have a last chance to pursue a realistic settlement, in which event, the arbitration need not commence, failing which arbitration would commence on the basis of this order.

6. Needless to say, nothing contained in this order is an expression of an opinion on merits of the matter or the relative strength of the parties. All issues on merits are expressly kept open to be agitated before the arbitral tribunal appointed hereby.

7. 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.]