

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
IN ITS COMMERCIAL DIVISION**

COMMERCIAL ARBITRATION PETITION NO. 4 OF 2026

M/s Tapasya Engineering Works Pvt. Ltd. ...Petitioner

Versus

Shashi Bhushan Rai & Ors ...Respondents

Mr. Asuthosh Lohia, *a/w Sharan Mehta, i/b Vidit Divya Kumat, for the Petitioner.*

Mr. Dormaan Jamshid Dalal, *a/w Shashwati Diksha & Shryas Deore, for Respondent Nos.1 to 4.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 27, 2026

ORDER :

1. Learned Advocate for all the Respondents has entered appearance.
2. This Petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (*"the Act"*).
3. There is no quarrel with proceeding to arbitration. The parties are unable to agree to the venue of the arbitration being Mumbai. The Business Transfer Agreement explicitly records Pune as a seat, and a Section 9 Petition is said to have been filed in Pune.

Therefore, it would be appropriate to clarify that the venue remains undisturbed and likewise the seat would be in Pune.

4. Taking the consent to proceed to arbitraiton on board, the arbitral tribunal is constituted in the following terms:-

A) Justice (Retired) Mridula Bhatkar, a former judge 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;

Office Address:- Mumbai office –

501, Saket, Near Bal Mohan Vidya
Mandir, M. B. Raut Marg,
Shivaji Park, Dadar (W),
Mumbai – 400 028.

Pune Office –

Miracle Glory, Sopan Baug,
Balewadi, Pune – 411 045

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. The Petition is ***finally disposed of*** in the aforesaid terms.
6. 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.]