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

ARBITRATION PETITION NO. 52 OF 2026

Prasad Pandurang Tapkir Petitioner

Versus

Sudha Balasaheb Shirke & Ors. Respondents

**WITH
ARBITRATION PETITION NO. 75 OF 2026**

Pandurang Narayan Tapkir Petitioner

Versus

M/s. Balasaheb Babanrao Shirke Respondent

Mr. Rahul Shivaji Kadam a/w. Vedant Babar for Petitioner.
Radhika S. Navandar for Respondent.

**CORAM : JITENDRA JAIN, J.
DATED : 12th JUNE 2026**

P. C. :

1. Learned counsel for the petitioner in arbitration petition no.52 of 2026 seeks deletion of respondent no.6 to respondent no.8 with liberty to make appropriate application before the arbitrator for adding any new respondent.

2. Both these petitions are filed under Section 11 of the Arbitration & Conciliation Act, 1996 for appointment of Arbitrator. As per the Partnership Deed dated 11th November, 1991, the Arbitration agreement is at Clause 16. The learned counsel for the respondent submits that since the firm has

dissolved long back, there is no arbitration agreement today. This issue will be examined by the learned arbitrator.

3. Admittedly, there are disputes between the parties which needs to be resolved.

4. Therefore, in view of above, Mr. Abhiraj Kulkarni, Advocate who is practicing at Pune is appointed as Arbitrator for resolving the dispute between the parties. All the contentions of both the parties are kept open including whether the dispute is covered by arbitration agreement and whether there is an arbitration agreement or not.

5. The parties are at liberty to raise all the contentions before the learned Arbitrator.

6. In these circumstances, the petition is finally disposed of in terms of the following order :-

- A) Mr. Abhiraj S. Kulkarni, Advocate, is hereby appointed as Sole Arbitrator to adjudicate upon the dispute and differences between the parties arising out of and in connection with the agreement referred to above.

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- 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.

8. 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.

9. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on the Court's website.

10. The Arbitrator would charge according to Schedule 4 or if the Arbitrator feels that Schedule 4 is not acceptable then as per the agreement between the Arbitrator and the parties.

11. Both the petitions are disposed of.

[JITENDRA JAIN, J.]