Sayali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMM. ARBITRATION APPLICATION - NO. 377 OF 2026

Kotak Mahindra Bank through
Authorized Representative Dattatray
Jagtap ... Applicant

V/s.

Payel Bhattacharji ... Respondent

Ms. Bijal Gogri i/b GNP Legal, for Applicant.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 1, 2026

P.C.:

1. The present Application has been filed under Section 11 of the Arbitration and Conciliation Act, 1996, hereinafter referred to as "the Act", seeking the appointment of an Arbitrator for adjudication of the disputes and differences stated to have arisen between the parties in connection with the Agreement dated 7 February 2023. The arbitration agreement between the parties is contained in Clause 10.15 thereof, which is placed on record at page 47 of the Application. In the interest of brevity, the said arbitration clause is not reproduced herein. It would suffice to observe that the present Application is within the territorial jurisdiction of this Court.

2. It appears from the record that the Applicant invoked the arbitration agreement by issuing a notice dated 12.01.2026.

3. By consent of the parties, the disputes and differences arising out of and in connection with the Agreement dated 7 February 2023 are required to be referred for adjudication to arbitration by a Sole Arbitrator. Considering the affidavit in reply, the application is allowed.

4. In view of the aforesaid, the present Application filed under Section 11 of the Act is disposed of by passing the following order:

A) **Ms. Shubhra Swami Paranjape** , 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;

Office Address:- Chambers of Nikhil Sakhardande, Sr. Adv., 1101, 1 Infinity, Cawasji Patel Street, Fort, Mumbai – 400001.

Email ID: swami.shubhra@gmail.com

B) A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Applicant within a period of one week from today. The Applicant 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 Advocates for the Applicant so as to enable them to file the same in the Registry of this Court. The Registry of this Court shall retain the said Statement on the file of this Applicant and a copy of the same shall be furnished by the Advocates for the Applicant to the Advocates for the Respondent;

D) 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;

E)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;

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. All issues on merits including limitation are expressly kept open to be agitated before the arbitral tribunal appointed hereby.

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.

(AMIT BORKAR, J.)