
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.1130 OF 2024
IN
SUIT NO.109 OF 2024

Nazir Ahmed Ibrahim Velaskar & Ors.Applicants

Versus

K. P. D. I. Industries LimitedDefendant

Mr. Bipin Joshi, for Applicants/Plaintiffs.

Mr. Sameer Walimbe, for Defendant.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 6, 2026

ORDER :

1. Learned Advocate for the Defendants submits that before considering the application listed today, the Court ought to hear an application under Section 8 of the Arbitration and Conciliation Act, 1996 (***“the Act”***) contending that the disputes are amenable to arbitration.

2. Learned Advocate for the Applicants submits that even while there may be a debate about whether there is an arbitration agreement in the currently applicable agreement that superseded the prior agreements, he has instructions to agree to proceed to arbitration

keeping the interim protections available as of today intact until the arbitrator is seized of the matter and takes a further view on whether enhanced relief or modified relief needs to be dealt with.

3. In these circumstances, considering that the Defendant is desirous of proceeding to arbitration and the Applicant has no quarrel with proceeding to arbitration by consent, an Arbitral Tribunal is hereby constituted in the following terms:-

A] Ms. Alpana Ghone, 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:- 53, Ajaydeep House, 240 Parin
Nariman Street, Fort,
Mumbai - 400001.

Email ID :- alpana@alpanaghone.com

B] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Plaintiffs within a period of one week from the date of upload of this order. The Plaintiffs 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.

4. The interim arrangements obtaining as of today shall continue until the last takes a view on an appropriate protective arrangement, if any is needed. The Arbitral Tribunal shall be at liberty to enhance, modify or vary the interlocutory arrangements in order to preserve the subject matter of the proceedings. The parties shall present themselves before the arbitrator within a week of the upload of this order to take instructions on how to proceed further.

5. In the aforesaid premises, the Suit and all the connected interim applications stand ***disposed of***. Any pending applications would continue to constitute interim applications in the arbitral proceedings

and the interlocutory reliefs prayed for therein would constitute prayers under Section 17 of the Act.

6. The Suit is hereby ***finally disposed of.***

7. Refund of Court fees in accordance with Rules.

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 this Court's website.

[SOMASEKHAR SUNDARESAN, J.]