

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 615 OF 2025**

Mohammed Ayub Khan & Anr.

.....Petitioner

: Versus :

Coffee Dynamics Pvt. Ltd. & Ors.

....Respondents

Mr. Mohammed Zain Khan i/b. One Legal, for the Petitioner.

Mr. Jahangir A. Khan with Mr. Amanullah Khan, for the Respondents.

CORAM : SANDEEP V. MARNE, J.

DATED : 6 JANUARY 2026.

P.C :

1) This is a petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 seeking interim measures of possession of the subject premises from the Respondent before commencement of arbitral proceedings.

2) A Conducting Agreement dated 21 July 2020 is executed between Petitioners and Respondents under which possession of the subject premises are apparently handed over to the Respondents for conducting a Coffee Shop under the brand name 'Coffee by Di Bella'. The Conducting Agreement contains Arbitration Clause-22 as under :

22. DISPUTE RESOLUTION :

The parties herein shall resolve all disputes in connection with this agreement amicably by mutual negotiation, failing which, the parties shall refer the dispute for arbitration in accordance with the

Arbitration and Conciliation Act, 1996, with its statutory modifications, enactments or re-enactments threto, before resorting to litigation in which case the Courts in Mumbai will have the jurisdiction. The expenses of the arbitration proceedings shall be borne equally between the parties.

3) According to the Petitioner, Respondent is irregular in payment of the charges payable under the Conducting Agreement and there were outstanding dues to the extent of Rs.46,90,000/- from the Respondent when the Conducting Agreement was terminated on 3 July 2025.

4) Since the Conducting Agreement is terminated on 3 July 2025, it would be appropriate that parties are relegated to arbitration with liberty to the Petitioners to file application under Section 17 before the Arbitral Tribunal for seeking interim measures, inter-alia for preservation of subject matter of arbitration.

5) Upon a suggestion being made by this Court, both the learned counsel appearing for the rival parties, on instructions, jointly submit that the parties are willing to go for arbitration before the learned sole Arbitrator as appointed by the Court. Both the learned counsel are agreeable for appointment of Ms. Aneesa Cheema, an Advocate practising before this Court as the sole Arbitrator for adjudication of disputes and differences arising between the parties out of the Conducting Agreement.

6) I accordingly proceed to pass the following order :

(A) Ms. Aneesa Cheema, an Advocate of this Court is hereby appointed as Sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of an

Conducting Agreement referred to above. The contact details of the Arbitrator are as under :

Office Address :- C/o. Adv. Mayur Khandeparkar,
201/202, 2nd Floor, Hamam House, Fort-400 001.

Email ID :- aneesa.cheema@outlook.com

(B) A copy of this order 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 Applicant shall provide the contact and communication particulars of the parties to the Arbitral Tribunal alongwith 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 2 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 by her, to obtain appropriate direction with regard to conduct of the arbitration including fixing a schedule for pleadings, examination of witnesses, if any, schedule of hearings etc.

(E) The sole Arbitrator shall be entitled to the fees prescribed under the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018 and the arbitral costs and fees of the Arbitrator shall be borne by the parties in equal portion and shall be subject to the final Award that may be passed by the Tribunal.

7) The Petitioner would be at liberty to file application under Section 17 of the Arbitration Act seeking interim measures before the Arbitral Tribunal. All rights and contentions of the parties are expressly kept open to be raised before the Arbitral Tribunal.

8) With the above directions, the application is **disposed of**.

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[SANDEEP V. MARNE, J.]