

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

ARBITRATION PETITION NO. 650 OF 2025

Bharat Sanchar Nigam Limited BSNL ...Petitioner

Versus

DSM Infotech Private Limited Through Its Director ...Respondents

WITH

IN ITS COMMERCIAL DIVISION

**COMMERCIAL ARBITRATION APPLICATION (L) NO. 3716 OF
2026**

Bharat Sanchar Nigam Limited BSNL ...Petitioner

Versus

DSM Infotech Private Limited ...Respondents

Adv. Bernado Reis a/w Mr. Pratik Dixit, Ms. Namrata Kharat
i/b M/s. Arun Sapkal & Co., for the Petitioner.

Adv. Shriya Mehta i/b Mr. Akshay Pawar, for the
Respondents.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : FEBRUARY 13, 2026

ORDER :

1. This Petition has been filed under Section 37 of the Arbitration and Conciliation Act, 1996 (***“the Act”***), purporting to impugn an order passed by the Learned Sole Arbitrator under Section 16

of the Act, holding that the facet of the matter submitted by the Petitioner is not covered within the scope of the reference.

2. On the last occasion, the matter was heard for some time. This Court enquired of the parties if they would be willing to specifically have second reference to the same Arbitrator, so that the Arbitrator who is seized of all facets of the evidence in the ongoing matter would have the benefit of a formal reference to deal with the contentions sought to be raised that form the subject matter of the order under Section 16 of the Act.

3. Today, Learned Advocates for the parties submit that without prejudice to all their rights and contentions on merits, they have consensus on the following approach, which is reduced to writing by them:

“3. At the outset, the parties are agreeable to the appointment of a Sole Arbitrator to arbitrate upon all the disputes and differences arising between the parties under the RRB Agreement dated 03.11.2015 and have requested this Court to appoint an Arbitrator.

4. In view of the aforesaid, the following orders are passed :

i. Mr. Yuvraj Narvankar, Advocate practicing in this Court, is appointed as the Arbitrator to arbitrate upon the disputes and differences arising between the parties under the said RRB

Agreement dated 03.11.2015. The contact details of Mr. Yuvraj Narvankar, who is appointed as an Arbitrator, are as under :-

Name :- Mr. Yuvraj Narvankar, Advocate

Mobile No. :- 98227 87631

Email :- yuvraj.narvankar@yahoo.co.in

Address :- 101, Natwar Chambers, 94, Nagindas Master Road, Fort, Mumbai 400 023.

ii. The Advocate for the Applicant/Petitioner shall intimate the Arbitrator about his appointment within a period of one week from the date of uploading this order;

iii. In addition, the Office of the Prothonotary and Senior Maser of this Court shall also intimate the Arbitrator about his appointment within a period of one week from the date of uploading of this order.

iv. The Arbitrator so appointed to make his disclosure as required under the provisions of the Act within a period of one week from the date of intimation of his appointment.

v. The Arbitrator shall charge fees as per the Rules framed by this Court in that regard.

5. The Arbitration Application is disposed of in the aforesaid terms. There will be no order as to costs."

4. The Learned Advocate for the Respondent also submits that all that is being agreed upon is that all facets of the matter would now be before the same Arbitrator, so that he can take his own view on merits, without feeling constrained by the reference already before him limiting

his ability to consider the submissions of the Petitioner that formed subject matter of the order under Section 16 of the Act.

5. Learned Advocates also submit that the Commercial Arbitration Application (L) No. 3716 of 2026 is a separate Application under Section 11 of the Act. Needless to say, the same would now be rendered infructuous in view of the above arrangement.

6. Therefore, the Arbitration Petition and the Arbitration Application are finally ***disposed of*** in the aforesaid terms.

7. A draft of the minutes tendered by the parties is taken on record for reference and marked “X” for identification.

8. 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.]