

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION (L.) NO. 37234 OF 2025
WITH
ARBITRATION APPLICATION NO. 5 OF 2026

Tyger Capital Private Ltd.

.....PETITIONER

: **VERSUS** :

Action Construction Equipment Ltd.

....RESPONDENT

Mr. Ahan Gadkari with Ms. Shreya Bhatia i/b. Mohit Gadkari & Co., for the Petitioner.

Mr. Manohar Samal, for the Respondent.

CORAM : SANDEEP V. MARNE, J.

DATED : 14 JANUARY 2026.

P.C :

1) Arbitration Application No. 5 of 2026 is not on board. At the joint request of the learned counsel appearing for the parties, the same is taken for analogous hearing with Arbitration Petition (L.) No. 32734 of 2025.

2) These are proceedings filed under Sections 9 and 11 of the Arbitration and Conciliation Act, 1996 (**the Arbitration Act**) for interim measures and for constitution of the Arbitral Tribunal for resolution of disputes and differences between the parties arising out of Memorandum of Understanding dated 5 October 2020.

3) As hearing of the proceedings progressed, Mr. Gadkari, the learned counsel appearing for the Petitioner/Applicant submits that the Petitioner/Applicant is willing to move the Arbitrator under

Section 17 of the Act if the Arbitral Tribunal is constituted. Accordingly, with the consent of the parties, following order is passed :

(A) Mrs.Savita S. Ganoo, an Advocate of this Court is appointed as Sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of an Memorandum of Understanding referred to above. The contact details of the Arbitrator are as under :

Office Address :- Office No.19, 1st Floor, Rohit Chambers,
Janmabhoomi Marg, Fort, Mumbai-400
001.

Email ID :- savitasadananda@gmail.com

Contact No.:- 98204 50243

(B) A copy of this order be communicated to the learned sole Arbitrator by the Advocate for the Petitioner/Applicant within a period of one week from the date of uploading of this order. The Petitioner/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.

4) Arbitration Petition (L.) No. 32734 of 2025 is permitted to be converted as an application under Section 17 of the Act before the learned sole Arbitrator. Mr. Samal, the learned counsel appearing for the Respondent, on instructions submits that an Affidavit disclosing assets of the Respondent-Company shall be filed before the learned sole Arbitrator within a period of 3 weeks. The application under Section 17 of the Act shall be decided on its own merits by the learned sole Arbitrator.

5) All rights and contentions of the parties are expressly kept open to be raised before the Arbitral Tribunal.

6) With the above directions, the Arbitration Application and Arbitration Petition are **disposed of**.

[SANDEEP V. MARNE, J.]

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