



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO.399 OF 2025

ICICI Home Finance Company
Limited

...Applicant

V/s.

Subhash Magan Pawar

...Respondent

Mr. Nikhil Rajani with Mr. *Ajay Deshmane i/b. M/s. V. Deshpande & Co. for the Applicant.*

CORAM: SANDEEP V. MARNE, J.

DATED: 14 JANUARY 2026.

P.C.:

1) This is an Application under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of Arbitrator for adjudication of disputes and differences between the parties arising out of Loan Agreement dated 30 June 2022.

2) The Respondent has been served privately. Affidavit of service is tendered, which is taken on record. Additionally, this Court has issued notice to the Respondent on 27 November 2025. Office report indicates that the notice has been delivered to the Respondent on 17 December 2025. However, none appears on behalf of the Respondent. Perusal of the Loan Agreement indicates that there is arbitration agreement between the parties in clause 15.14(b). Though

the arbitration clause provides for appointment of the Arbitrator by the Lender, considering the development of law on the subject of unilateral appointment of Arbitrator, the Applicant has filed the present Application under Section 11 of the Arbitration Act for appointment of Arbitrator.

3) Considering the above position, in my view it would be appropriate to appoint a sole Arbitrator to adjudicate the disputes and differences between the parties.

4) Accordingly, I proceed to pass the following order:-

(A) Ms. Smita Thakur, an Advocate of this Court is appointed as Sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of Loan Agreement dated 30 June 2022. The contact details of the Arbitrator are as under :

Office Address :- Maharashtra Bhavan, Room No.35, 2nd Floor, Bora Masjid Street, Fort, Mumbai-400 001.

Mobile No. :- 8454095121

Email ID :- smitathakur2510@gmail.com

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

5) All issues on merits are expressly kept open to be agitated before the Arbitral Tribunal appointed as above.

6) With the above directions, the Application is **disposed of**.

[SANDEEP V. MARNE, J.]