

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 417 OF 2025**

ICICI Home Finance Company Ltd.

....**APPLICANT**

: VERSUS :

Bharatkumar Mafatlal Jain

....**RESPONDENT**

Mr. Nikhil Rajani i/b. V. Deshpande & Co. for the Applicant.

CORAM : SANDEEP V. MARNE, J.

DATED : 14 JANUARY 2026.

P.C :

1) This is an application filed under Section 11 of the Arbitration & Conciliation Act, 1996 (**the Arbitration Act**) for appointment of Arbitration for resolution of disputes and differences between the parties arising out of Loan Agreement.

2) I have heard Mr. Rajani, the learned counsel appearing for the Applicant. He tenders Affidavit of private service on the Respondent which is taken on record. Additionally, this Court had issued notice by order dated 27 November 2025. Office report indicates that notice has been duly served on the Respondent. However, none has appeared on behalf of the Respondent. I am satisfied that there is Arbitration Clause in the Loan Agreement. Though the Arbitration Clause envisages appointment of 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. 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 an Partnership Deed referred to above. 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.

Email ID :- smitathakur2510@gmail.com

Mobile No. 8454 095121

(B) A copy of this order be communicated to the learned sole Arbitrator by the Advocate 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 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.

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

4) With the above directions, the Arbitration Application is disposed of.

NEETA
SHAILESH
SAWANT

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[SANDEEP V. MARNE, J.]