

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

COMMERCIAL ARBITRATION APPLICATION NO.10 OF 2026

MC Gandhi & Sons
by and through its Partner
Rajesh Madanmohan Gandhi

....Applicant

V/S

Union of India
through Chief Engineer (Navy)
Mumbai

....Respondent

Mr. Sarthak S. Diwan *for the Applicant.*

Mr. Aamir Qureshi with Mr. Adarsh Vyas *for Respondent.*

CORAM : SANDEEP V. MARNE, J.

DATE : 23 FEBRUARY 2026.

P.C.:

1. This is an Application filed under Section 11 of the Arbitration and Conciliation Act, 1996 arising out of Work Order dated 7 April 2015.

2. The learned counsel appearing for Respondent-Union of India does not dispute existence of arbitration agreement. He however submits that the claim is time barred since the work is already completed in the year 2017. On the other hand, Mr. Diwan, the learned counsel appearing for the Applicant submits that the claim arises out of continuous cause of action. In my view, the issue of limitation needs to be decided by the Arbitral Tribunal.

3. The learned counsel appearing for the Respondent has tendered list of Arbitrators on Ministry of Defence Panel. With the consent of the parties, name of Mr. Jagdish Raj Gar, Director General (Pers), MES has been agreed upon for adjudication of disputes and differences between the parties.

4. Accordingly, I proceed to pass the following order:

A) Mr. Jagdish Raj Gar, Director General (Pers), MES is appointed as sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of the Work Order.

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 Arbitration Act to the parties within a period of two 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 him, 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 rights and contentions of the parties, including the issue of limitation, are expressly kept open to be decided before the Arbitral Tribunal appointed as above.

6. With the above directions, Commercial Arbitration Application is **allowed and disposed of**. There shall be no order as to costs.

(SANDEEP V. MARNE, J.)

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signed by
SUDARSHAN
RAJALINGAM
KATKAM
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