

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

COMMERCIAL ARBITRATION APPLICATION NO.137 OF 2026

Mswipe Technologies Private Limited

....Applicant

V/S

Khazir And Sons

....Respondent

Mr. Vivek S. Khandkar i/b Mr. Siddharth H. Kakka *for the Applicant.*

CORAM : SANDEEP V. MARNE, J.

DATE : 10 APRIL 2026.

P.C.:

1. This is an Application filed under Section 11 of the Arbitration and Conciliation Act, 1996 (**the Arbitration Act**) for appointment of an Arbitrator for adjudication of disputes and differences that have arisen between the parties out of the Agreement dated 24 November 2024.

2. I have heard Mr. Khandkar, the learned counsel appearing for the Applicant.

3. By order dated 10 February 2026, this Court had issued notice to the Respondent and had granted Hamdust. Affidavit of service indicates that the Hamdust notice has been dispatched to the Respondent by Registered Post AD and that the same has been delivered to the

Respondent. Respondent is thus duly served with the Court notice. None appears for the Respondent.

4. Perusal of the Agreement dated 24 November 2024 indicates the presence of clause 14.1 which contains arbitration agreement between the parties. The seat of the arbitration is at Mumbai. I am therefore, *prima facie* satisfied about existence of arbitration agreement between the parties. In my view, it would be just and appropriate to constitute Arbitral Tribunal comprising of a sole Arbitrator.

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

A) Ms. Priyanka Kumar, an Advocate of this Court is appointed as sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of the Agreement referred to above. The contact details of the learned sole Arbitrator are as under:

Office Address:- 33, 3rd Floor, Ismam Building,
Veer Nariman Road, Fort, Mumbai – 400 001.

Mobile No.: 99203 95898.

E-mail ID:- adv.priyankakumar@gmail.com

B) A copy of this order be communicated to the learned sole Arbitrator and to the Respondent 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 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 learned 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 learned sole 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.

6. All issues/contentions of the parties on merits are expressly kept open to be agitated before the Arbitral Tribunal appointed as above.

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

SUDARSHAN
RAJALINGAM
KATKAM

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SUDARSHAN
RAJALINGAM KATKAM
Date: 2026.04.15
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(SANDEEP V. MARNE, J.)