

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION APPLICATION (L.) NO. 18784 OF 2025
WITH
COMMERCIAL ARBITRATION APPLICATION NO. 355 OF 2025**

M/s. Bhanushali & Company

.....**APPLICANT**

: VERSUS :

M/s. Container Corporation of India Ltd

.....**RESPONDENT**

Ms. Dishita Karnavat with Mr. Anurag Kumar Mishra, for the Applicant.

Mr. T.J. Pandian, for the Respondent.

CORAM : SANDEEP V. MARNE, J.

DATED : 8 JANUARY 2026.

P.C :

1) These applications are filed under Section 11(5) read with(5) and 14 of the Arbitration and Conciliation Act, 1996 for substitution of the Arbitral Tribunal.

2) I have heard Ms. Karnavat, learned counsel for the Applicant and Mr.Pandian for the Respondent.

3) The disputes and differences between the parties have arisen out of performance of contracts for maintenance and handling over of Container Freight Station, Mulund, Mumbai. It appears that the Arbitration Agreement between the parties provides for dispute resolution mechanism through Arbitrators appointed by the Respondent. Accordingly, Respondent proceeded to appoint its employees as Arbitrators. It is common ground that the arbitral references have not been decided though the same were made to the Arbitrators in February 2009 and 23 December 2014.

It is the case of the Respondent that the Applicant is responsible for non-decision of the Reference. This assertion is claimed by the Applicant. It appears that the Applicant had approached the Respondent for substitution of Arbitrator by appointment of some other officer/employee of the Respondent. However, the Respondent has expressed inability to appoint any of its officers/employees as Arbitrator considering the development of law on the issue of unilateral appointment.

4) Be that as it may, since the Arbitrators appointed by the Respondent are its own employees/ex-employees, the ultimate Awards made by them would suffer from the vice of unilateral appointment. It would therefore be appropriate that the Arbitrators are substituted so that there is neutral, impartial and transparent adjudication of disputes and differences between the parties. Upon being suggested by the Court, both the Courts have agreed for appointment of Mr. Abhishek Bhadang, an Advocate practicing before this Court, as the sole Arbitrator for resolution of disputes between the parties.

5) I accordingly proceed to pass the following order :

(A) Mr. Abhishek Bhadang, an Advocate of this Court is hereby appointed as Sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of the contracts referred to above. The contact details of the Arbitrator are as under :

Office Address :- Chambers of Mr. Chetan Kapadia, 17th Floor, Ramnimi Building, Near Mahesh Lunch Home, Fort, Mumbai-400 001.

Email ID :- bhadangabhishek@gmail.com

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

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

7) With the above directions, the applications are **disposed of**.

[SANDEEP V. MARNE, J.]