



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

COMMERCIAL ARBITRATION APPLICATION NO.427 OF 2025

Tata Capital Limited

....Applicant

V/S

Shankar Machinery Stores & Ors.

....Respondents

Mr. Akshita Jain with Mr. Harshit Kumar i/b I.V. Merchant & Co. *for the Applicant.*

CORAM : SANDEEP V. MARNE, J.

DATE : 27 APRIL 2026.

P.C.:

1. This is an Application filed under Section 11 of the Arbitration and Conciliation Act, 1996 (**Arbitration Act**) seeking appointment of an Arbitrator for adjudication of disputes and differences between the parties arising out of the Loan-cum-Guarantee Agreement for Channel Finance Facility (MSME) dated 26 December 2024.

2. Heard the learned counsel appearing for Applicant. By order dated 16 January 2026, this Court issued notices to the Respondents by granting Hamdust. Affidavit of Service indicates that Respondent has refused to collect the notice and accordingly the same is pasted on the door of the Respondent. Respondent has however failed to appear before the Court.

3. Perusal of the Agreement indicates existence of arbitration agreement between the parties in clause 13. The seat of the arbitration is

at Mumbai. In that view of the matter, it would be just and proper to constitute Arbitral Tribunal comprising of a sole Arbitrator.

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

A) Mr. Suyash Gadre, an Advocate of this Court is appointed as sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of the Loan-cum-Guarantee Agreement for Channel Finance Facility (MSME) referred to above. The contact details of the learned sole Arbitrator are as under:

Office Address:- 122 Mittal Tower, C Wing, Nariman Point,
Mumbai – 400 021.

Mobile No.: 99302 12794.

E-mail ID:- lawofficesuyash@gmail.com

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

5. All issues/contentions of the parties on merits are expressly kept open to be agitated 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.)