

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION PETITION NO.310 OF 2022

WITH

COMMERCIAL ARBITRATION APPLICATION NO.477 OF 2025

Minerals And Metals Trading CorporationPetitioner/Applicant

Versus

Global Tradex Limited

....Respondent

Mr. Bhavik Lalan a/w. *Mr. Nabeel Malik & Ms Sanjana Sapra*
i/b. Tuli & Co., for Petitioner/Applicant.

Mr. Shanay Shah a/w. *Dhanyashree Jadeja & Komal Patel i/b.*
Jadeja & Satiya, for Respondent.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 16, 2026

ORDER :

1. ***Commercial Arbitration Application No.477 Of 2025*** seeks substitution of the arbitrator in view of the Arbitrator having resigned on July 11, 2022. This Application has been filed on July 10, 2025. Opposition on the ground that the Application being barred by limitation is not being pressed in lieu of the Application having been filed within time, although in the eleventh hour.
2. In these circumstances, the arbitrator is hereby substituted in the following terms :-

A] Mr. Rashmin Khandekar, a learned advocate of this Court is hereby appointed as the Sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of and in connection with the Agreement referred to above;

Office Address :- 2nd Floor, New Wadia Building,
Opposite BSE, Dalal Street,
Fort, Mumbai -400 001.

Email ID :- rashmin.khandekar@gmail.com

B] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Applicant 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 along with 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 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, to obtain appropriate directions with regard to conduct of the arbitration including fixing a schedule for pleadings, examination of witnesses, if any, schedule of hearings etc. At such

meeting, the parties shall provide a valid and functional email address along with mobile and landline numbers of the respective Advocates of the parties to the Arbitral Tribunal. Communications to such email addresses shall constitute valid service of correspondence in connection with the arbitration;

E] All arbitral costs and fees of the Arbitral Tribunal shall be borne by the parties equally in the first instance, and shall be subject to any final Award that may be passed by the Tribunal in relation to costs.

3. The Substitute Arbitrator shall take over the proceedings from the stage at which the proceedings were when the earlier arbitrator resigned.
4. Needless to say, nothing contained in this order is an expression of an opinion on merits of the matter or the relative strength of the parties. All issues on merits are expressly kept open to be agitated before the arbitral tribunal appointed hereby.
5. ***Commercial Arbitration Petition No.310 Of 2022*** is a Petition filed under Section 37 of the Arbitration and Conciliation Act, 1996 (***“the Act”***) and is not being pressed by the Petitioner leaving it to the Substitute Arbitrator appointed hereby to examine whether any interlocutory reliefs need to be granted.

6. It is clarified that for the purposes of the tenure of the mandate of the Learned Arbitral Tribunal, the period of 12 months shall start from the date of which the Substitute Arbitrator enters reference. To further avoid delay, the parties are directed to present themselves before the Substitute Arbitrator no later then ***January 23, 2026 at 12 noon.***

7. Both the captioned proceedings are hereby ***finally disposed of.***

8. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]