

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION PETITION NO. 316 OF 2025**

Ingram Micro India Private Limited

...Petitioner

: Versus :

NextGen Datacenter and Cloud

Technologies Private Limited

...Respondent

Mr. Abhishek Venkatraman with Mr. Vishwajit Deb, Mr. Siddharth Kumar & Mr. Chetan Yadav i/b R.V. & Co. for the Petitioner.

Mr. Saurabh Bachhawat with Mr. Kaushik Puranik for the Respondent.

CORAM : SANDEEP V. MARNE, J.

DATED : 16 FEBRUARY 2026.

P.C:

1) This is a petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (**Arbitration Act**) for seeking interim measures before commencement of the arbitral proceedings.

2) As the hearing of the petition progressed, the learned counsel appearing for Respondent submits that there is an arbitration agreement between the parties and instead of this Court deciding the prayer for interim measures, Arbitral Tribunal can be constituted and the Tribunal can adjudicate the prayer for interim measures. In my view, the suggestion given by the learned counsel for the Respondents appears to be fair.

3) The learned counsel for the Petitioner submits that the present petition be permitted to be converted into Section 17 application of the Arbitration Act.

4) Accordingly, with the consent of the parties, the following order is passed :

(A) Smt. Justice Mridula Bhatkar, Former Judge of Bombay High Court is appointed as Sole Arbitrator to adjudicate upon the disputes and differences between the parties. The contact details of the Arbitrator are as under:

Office Address :- Flat No.501, "Saket", Near Balmohan
Vidyamandir, Dr. M.B. Raut Marg,
Shivaji Park, Dadar (W), Mumbai -
400028

Email ID :- jmridula@gmail.com

(B) A copy of this order be communicated to the learned sole Arbitrator by the Advocate for the Petitioner within a period of one week from the date of uploading of this order. The Petitioner 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 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 fees of the sole Arbitrator shall be as 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 proportion and shall be subject to the final Award that may be passed by the Tribunal.

5) The petition is permitted to be converted into application under Section 17 of the Arbitration Act which shall be decided by the ld.arbitrator on its own merits.

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 Commercial Arbitration Petition is **disposed of**.

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[SANDEEP V. MARNE, J.]