

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION APPLICATION (L.) NO. 36898 OF 2025
ALONGWITH
COMMERCIAL ARBITRATION PETITION NO. 602 OF 2025

Aditya Birla Capital Limited

....Applicant/
Petitioner

: VERSUS :

Hemant Agencies

....Respondent

Ms. Simran K. Raj i/b. Ms. Tikshta Mode, for the Applicant.

CORAM : SANDEEP V. MARNE, J.

DATED : 4 FEBRUARY, 2026.

P.C :

1) These are proceedings under Section 9 and 11 of the Arbitration and Conciliation Act, 1996 (**Arbitration Act**) for interim measures and for constitution of the Arbitral Tribunal.

2) Office report indicates that the Respondents have been duly served with Court notices. However, none appears on behalf of the Respondents.

3) I have heard Ms.Raj, the learned counsel appearing for the Applicant/Petitioner. She invites my attention to arbitration clause in the Loan Agreement which indicates that parties have expressly agreed for resolution of disputes through arbitration. Though Applicant has sole

authority to appoint the Arbitrator, considering the development of law on the subject of unilateral appointment of Arbitrator, application under Section 11 is filed by the Applicant.

4) In Section 9 petition, there is already an ad-interim order granted on 1 July 2025. In my view, the Arbitral Tribunal can be constituted and ad-interim relief granted on 1 July 2025 can be continued during pendency of the arbitral proceedings.

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

(A) Ms.Shruti Tupule, an Advocate of this Court is appointed as Sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of an Loan Agreement referred to above. The contact details of the Arbitrator are as under :

Office Address :- Office No.7, Teekays Business Centre,
Mezzanine Floor, Ready Money Mansion,
Veer Nariman Road, Fort, Mumbai-400
001.

Email ID :- satulpule@outlook.com

Mobile No.:- 98234 74226

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

6) Ad-interim relief granted vide order dated 1 July 2025 shall continue to operate till arbitral proceedings and till making of the final award. 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 Application and Commercial Arbitration Petition stand **disposed of**.

[SANDEEP V. MARNE, J.]