

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION APPLICATION (L) NO. 36935 OF 2025**

**WITH
COMMERCIAL ARBITRATION PETITION NO. 755 OF 2025**

Aditya Birla Capital Limited **.....Applicant/Petitioner**

: Versus :

Deepesh Lifescience and Ors. **....Respondent**

Ms. Jenny Somaiya i/b Ms Tiksha Modi for the Applicant/Petitioner.

CORAM : SANDEEP V. MARNE, J.

DATED : 16 FEBRUARY 2026.

P.C :

1) These are proceedings filed under Sections 9 and 11 of the Arbitration and Conciliation Act (**Arbitration Act**) for seeking interim measures before commencement of arbitral proceedings and for constitution of Arbitral Tribunal.

2) I have heard Ms. Somaiya, the learned counsel for the Applicant/Petitioner. Respondents are repeatedly served private notices. However, none appears on their behalf. Therefore, Court Notices were issued in Section 11 application on 15 December 2025. The notices have been returned with the remark 'returned to

sender, addressees left without intimation'. Ms. Somaiya submits that the Petitioner does not have any other address of the Respondents and that the address indicated in the Petitions are the ones which are provided by the respondents in various loan documents. Additionally, she tenders copy of email dated 13 January 2026 by which fresh attempt was made for serving the Respondents through email. Despite receipt of email, respondents have failed to appear before this court.

3) By order dated 29 September 2025 ad-interim relief in terms of prayer clauses (a), (c) and (d) is already granted by this Court. In my view, the said relief can be continued till the Arbitral Tribunal considers and decides the application under Section 17 of the Arbitration Act.

4) Perusal of the loan agreement would indicate arbitration clause. The seat of the arbitration is at Mumbai. It would therefore be just and appropriate to constitute Arbitral Tribunal of a sole arbitrator. Accordingly, I proceed to pass the following order :

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

Office Address :- 29/29A, Ali Chambers, Tamarind Lane,
Fort, Mumbai - 400001

Email ID :- spentahavewala@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. At such meeting, the parties shall provide a valid and functional email address alongwith mobile and landline numbers of the respective Advocates of the parties to the Arbitral Tribunal. Communication to such email addresses shall constitute valid service of correspondence in connection with the arbitration.

(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 proportion and shall be subject to the final Award that may be passed by the Tribunal.

5) Commercial Arbitration Petition No. 755 of 2025 is converted into application under Section 17 of the Arbitration Act, which shall be decided by the Arbitral Tribunal on its own merits. Till the Tribunal decides the application under Section 17 of the

Arbitration Act, the ad-interim order dated 29 September 2025 shall continue to operate.

6) All issues on merits are expressly kept open to be agitated before the Arbitral Tribunal appointed as above.

7) With the above directions, both, the Petition and Application are disposed of.

[SANDEEP V. MARNE, J.]