

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION PETITION NO. 848 OF 2025
WITH
COMMERCIAL ARBITRATION APPLICATION NO. 663 OF 2025

Anupam Arunkumar Vaid

....**PETITIONER**

: VERSUS :

The Industrial Stores Company & Anr.

....**RESPONDENTS**

Mr. Gaurav Mehta i/b. Bachubhai Munim & Co. for the Petitioner.

Mr. Naushad Engineer, Senior Advocate with Mr. Yohaann Limathwalla and Ms. Jinisha Koti i/b. Kartikeya & Associates, for Respondent No.2.

CORAM : SANDEEP V. MARNE, J.

DATED : 9 JANUARY 2026.

P.C :

1) This is a Petition under Section 9 of the Arbitration and Conciliation Act, 1996 ("Arbitration Act"). The Petitioner herein – Anupam Vaid has also filed an Application under Section 11 of the Arbitration Act.

2) The Petitioner has invoked Clause 11 of a Deed of Retirement dated March 27, 1996 seeking to redress disputes by way of arbitration which have arisen between the parties to the Commercial Arbitration Application No.663 of 2025.

3) It is the case of Respondent No.2-Shilpam Vaid that the disputes which have been raised by the Petitioner do not arise under the Deed of Retirement dated March 27, 1996 but in fact fall under a Memorandum of Understanding dated September 28, 1999 read with Letter dated January 17, 2016, which do not contain an arbitration clause. Hence, the disputes are not amenable to arbitration.

4) Given the limited remit of Section 11 of the Arbitration Act, the parties to the Commercial Arbitration Application No. 663 of 2025 are willing to go for arbitration. However, Respondent No.2 submits that the willingness to go for arbitration is subject to all contentions / objections being expressly kept open, including but not limited to the objection on jurisdiction / arbitrability of disputes.

5) The Petition under Section 9 of the Arbitration Act shall be treated as an Application under Section 17 of the Arbitration Act by the arbitral tribunal to be appointed. The Petitioner is at liberty to modify or mould the contents of the Petition under Section 9 for its consideration as an Application under Section 17.

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

(A) Mr. Shanay Shah, an Advocate of this Court, is hereby appointed as Sole Arbitrator to adjudicate upon the disputes and differences between the parties under the Deed of Retirement dated March 27, 1996. The contact details of the Arbitrator are as under:

Address - Office No-17A, 4th floor, Surya Mahal, Burjorji
Bharucha Marg, Fort, Mumbai 23.

Contact : Email-shahshanay@hotmail.com

Mobile -+91 99874 83450

(B) A copy of this order be communicated to the Ld. 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 Ld. Sole Arbitrator along with a copy of this order.

(C) The Ld. 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 2 weeks from receipt of a copy of this order.

(D) The parties shall appear before the Ld. 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 along with mobile and landline numbers of the respective Advocates of the parties to the Ld. Sole Arbitrator. Communication to such email addresses shall constitute valid service of correspondence in connection with the arbitration.

(E) The Ld. 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 Ld. 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 Ld. Sole Arbitrator.

7) All issues, including but not limited to the objection on jurisdiction / arbitrability of disputes, are expressly kept open to be agitated before the Ld. Sole Arbitrator appointed as above.

8) With the above directions, the Petition under Section 9 and the Application under Section 11, both under the Arbitration Act are disposed of.

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SHAILESH
SAWANT

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NEETA SHAILESH
SAWANT

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[SANDEEP V. MARNE, J.]