

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 51 OF 2026

IN

ARBITRATION APPLICATION NO. 162 OF 2024

Hormaz C Daruwalla

...Applicant

Versus

Goyal Achal Sampatti Vikas And Niyojan Nigam Limited & Anr.

...Respondents

WITH

INTERIM APPLICATION NO.53 OF 2026

IN

COMMERCIAL ARBITRATION APPLICATION NO.146 OF 2024

WITH

INTERIM APPLICATION NO.52 OF 2024

IN

COMMERCIAL ARBITRATION APPLICATION NO.142 OF 2024

Mr. Jamsheed Master i/b Natasha Bhot, for the Applicant.

CORAM : ARIF S. DOCTOR, J.

DATE : 8th JANUARY, 2026

P.C.

1. This is a very unfortunate case, where a party who has invoked arbitration and had approached this Court for appointment of Arbitrator has stoically refused to make payment of the fees due to the Arbitrator, despite the fact that the arbitration proceedings have been diligently progressing.

2. Heard Mr. Master, learned counsel for the Applicant, who has invited my attention to an order dated 23rd December 2025, which reads thus:

"1. The circulation was permitted, since there is a failure on part of the claimant to deposit the fees and the Arbitrator fixed up a time-line before which

the fees shall be deposited, or this fact would be brought to the notice of the Court.

2. Despite notice being delivered to the Respondents, there is no appearance.

3. However, the sole Arbitrator has received an e-mail communication from the claimant, intimating that the bills are under process.

In the wake of the aforesaid, re-notify to 8th January, 2026, with an expectation that since the claimant has already processed the bills, the arbitrator fees shall be deposited."

3. Mr. Master has today submitted that despite the aforesaid order, the outstanding fees of the learned Arbitrator have yet not been cleared by the Claimant in the arbitration. He has also tendered a copy of an e-mail communication dated 19th December 2025, by which it has been intimated by the Claimant in the arbitration that the invoices of the learned Arbitrator have been successfully uploaded.

4. Mr. Master further points out that the Respondents have been duly served, including for today's listing, despite which the Respondents have not appeared.

5. In my view, therefore, it would be necessary to issue notice to the Respondents, returnable on **22nd January 2026**.

[ARIF S. DOCTOR, J.]