

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION APPLICATION NO. 19 OF 2026

The Tata Power Company Limited. ... Applicant.

Vs.

Tuli Mining Corporation Pvt. Ltd. ... Respondent.

Mr. Suhael Buttan (though V.C.) with Mr. S.R. Sharma, Ms. Megharajani Chandu & Mr. Ashriwad H. Sapre, Advocate for Applicant.

CORAM : SANDEEP V. MARNE, J

DATED : 20th APRIL, 2026

P.C.:-

1. This is an Application filed under Section 11 of the Arbitration and Conciliation Act, 1996 seeking an appointment of an Arbitrator for adjudication of disputes and differences that have arisen between the parties out of the Letter of Awards dated 1st May, 2023.

2. I have heard Mr. Buttan, learned Counsel appearing for the Applicant. By order dated 5th February, 2026, the court notice was issued to the Respondent. However, since usual mode of service failed, this Court permitted substituted service on the Respondent by paper

publication vide order dated 11th March, 2026. Accordingly, the Applicant has filed affidavit of service which indicates publication of notices in newspapers - Business Standard (English) and Dainik Bhaskar (Hindi). The Respondent is thus duly served. However, none has appeared on behalf of the Respondent.

3. Perusal of the Letter of Awards indicates presence of Arbitration Agreement between the parties in clause 22. The seat of arbitration is at Mumbai. This Court is thus satisfied about existence of Arbitration Agreement between the parties. It would be therefore, just and proper to constitute Arbitral Tribunal comprising of a sole arbitrator.

4. Accordingly, I proceed to pass the following order :

(A) **Ms. Simantini Mohite**, an Advocate practising in this Court is appointed as sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of a Development Agreement dated 29th November, 2010. The contact details of the Arbitrator are as under:-

Mobile No. 9833545417

Email – simantini.mohite@gmail.com

Address- Chamber of Mr. Ashish Kamat,

501,Oval House, British Hotel Lane,

**Naigndas Master Road,
Opp. Commerce House, Fort,
Mumbai 400001.**

(B) A copy of this order be communicated to the learned sole Arbitrator by the Advocates for the Applicant within a period of one week from the date of uploading 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 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.

5. All issues on merits are expressly kept open to be agitated before the Arbitral Tribunal appointed as above.
6. With the above directions, the Application is disposed of.

[SANDEEP V. MARNE, J]