

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

COMMERCIAL ARBITRATION PETITION NO. 295 OF 2026

Vidyavihar Containers Ltd

...Petitioner

Versus

Gammon Neelkanth Realty Corporation & Ors

...Respondents

Mr. Janmesh Vora, a/w Sanjana Das, i/b Mehta & Padamsey for the Petitioner.

Mr. Viraj Parikh, a/w Medhavin Bhatt, i/b M/s. MV Law Partners for Respondent No.1.

Mr. Veer Ashar, a/w Aarooha Kulkarni, i/b Federal & Co., for Respondent Nos.2, 5 & 6.

Mr. Saket Mone, i/b Vidhil Partners for Respondent Nos.3 & 7.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : May 6, 2026

ORDER :

1. By an order dated January 21, 2025, a Learned Sole Arbitrator had been appointed. In view of the demise of the Learned Sole Arbitrator, the arbitrator needs to be substituted.

2. Learned Advocate for Respondent No.1 submits that Respondent No.1 too has invoked arbitration and is desirous of raising its dispute and the same may also be referred without a formal need for

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VALLAKATI
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an Application under Section 11 of the Arbitration and Conciliation Act, 1996 (“*the Act*”).

3. Be that as it may, since this would be the nature of a counter claim, it shall be open to these Respondents to address the substitute arbitrator in this regard. Since the Learned Arbitral Tribunal needs to be substituted, a substitution is effected in the following terms:-

A) Hon’ble Chief Justice Mr. K.R. Shriram (Former), is hereby appointed as the Sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of and in connection with the Agreement referred to above;

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Maker Chambers V,
Jamnalal Bajaj Marg,
Nariman Point, Mumbai-400021

Email ID: krshriram@gmail.com

B) A copy of this Order will 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 Petitioner shall provide the contact and communication particulars of the parties to the Arbitral Tribunal along with 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 two 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, to obtain appropriate directions 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 Arbitral Tribunal. Communications to such email addresses shall constitute valid service of correspondence in

connection with the arbitration;

E) All arbitral costs and fees of the Arbitral Tribunal shall be borne by the parties equally in the first instance, and shall be subject to any final Award that may be passed by the Tribunal in relation to costs.

4. Various parties are making submissions on various facets of procedural matters that lie in the domain of the Arbitral Tribunal. All these may be addressed to the substituted arbitrator. The substitute arbitrator shall continue from the stage at which the proceedings were when the earlier arbitrator passed away. The parties shall appear before the substitute arbitrator within a period of one week from the date of upload of this order and take instructions on how to proceed further.

5. It is clarified that for purposes of Section 29A of the Act, the time for computation of the mandate would resume to be counted from the date on which the substitute arbitrator enters reference.

6. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]

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