

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1635 OF 2026

IN

COMMERCIAL ARBITRATION PETITION (L) NO. 26836 OF 2025

Deven Shah and Anr.

...Applicants/Original
Respondent Nos. 1 and 2

In the matter between

Rohit Shah

....Petitioner

V/s.

Deven Shah and Ors.

...Respondents

Mr. Cherag Balsara *i/b Mr. Tanvir Shaikh, for Applicant/ Original Respondent Nos. 1 and 2.*

Mr. Sheelang Shah *with Ms. Nidhi Salian and Mr. Nirmal Chopda i/b Vraj Legal, for Respondents/Original Petitioner.*

CORAM: SANDEEP V. MARNE, J.

DATED: 6 APRIL 2026.

P.C.:

1) This Application is filed seeking substitution of the Arbitrator appointed by this Court vide order dated 29 September 2023.

2) As the hearing of the Application progressed, both the learned counsel appearing for the parties have agreed for substitution of the Arbitrator in the light of e-mail sent by the Arbitrator on 12 March

2026, leaving open the liberty to the parties to approach this Court for appointment of another person as Arbitrator. It appears that the Petitioner Rohit Shah in Section 9 Petition has already deposited an amount of Rs. 5.25 lakhs with the Arbitrator towards his contribution of fees in pursuance of the direction dated 30 October 2025. Both the learned counsels have agreed that the learned Arbitrator can retain the fees already deposited. Applicants have fairly agreed to bear 50% contribution in respect of fees already deposited with the previous Arbitraor.

3) In that view of the matter the Applicants in the present Application have agreed to pay to the Petitioner-Rohit Shah Rs. 2,62,500/- . The statement is accepted and recorded.

4) In view of the consensus prevailing between the parties, Mr. Vyapak Desai, an Advocate of this Court is appointed as the substitute Arbitrator to adjudicate upon the disputes and differences between the parties. The contact details of the Arbitrator are as under :

Office Address :	Vyapak Desai Law Chambers 211 A, 2nd Floor, Dalamal Tower, Nariman Point, Mumbai 400021
Email id :	vyapak@vyapakdesai.com
Contact No. :	9892500635

(A) 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.

(B) 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.

(C) 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.

(D) 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.

4) All rights and contentions of the parties including the liberty granted by this Court in para 6 of the order dated 29 September 2025 are expressly kept open to be agitated before the Arbitral Tribunal.

5) With the above directions, the Interim Application is **disposed** of.

[SANDEEP V. MARNE, J.]