



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

MISC. CIVIL APPLICATION (ARBN) NO.411/2025

M/s Indo Unique Flame Limited, Nagpur Acting through its Director, Shri Vipul
s/o Hariom Choudhary

...Versus...

M/s B.S. Ispat Limited, Chandrapur Acting through its Managing Director and
authorized representative Shri Bhawaniprasad Mishra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. Piyush Mishra, Advocate h/f Mr. Amit Khare and Mr. Rutik Gharote, Advocate for applicant
Mr. Aniket Waghdhane, Advocate for respondent

CORAM : ROHIT W. JOSHI, J.

DATE : 11/03/2026

1. This is an application filed under Section 11 (5) and (6) of the Arbitration and Conciliation Act, 1996, seeking appointment of Arbitrator, in view of dispute that has arisen between the parties under the work order dated 05/03/2012.

2. It is not in dispute that the said work order, which is in the nature of contract, provides for resolution of dispute by arbitration. Arbitration Clause provides that the parties may agree upon for appointment of a sole Arbitrator and in case there is a dispute and in case they are not able to arrive at concurrence with respect to the name of Arbitrator, recourse can be taken to the provisions of Arbitration and Conciliation Act, 1996 for appointment of Arbitrator.

3. In the present case, the applicant has issued notice dated 15/05/2025 to the respondent, seeking concurrence for appointment of Mr. Anil Mohabey, retired District and Sessions Judge as sole Arbitrator for resolution of dispute. The applicant is a limited company, namely M/s Indo Unique Flame Limited, however, in the notice dated 15/05/2025, issued by Khare and Company Advocates, it is stated that the applicant is a private limited company.

4. The respondent has issued reply to the notice dated 15/05/2025 vide communication dated 12/06/2025. It is admitted in paragraph 2 of the reply, dated 12/06/2025 that different work orders were issued by the respondent to the applicant (M/s Indo Unique Flame Limited). It is further stated in the reply that the work orders were issued in favour of M/s Indo Unique Flame Limited, which is a public limited company and not any private limited company, as mentioned in the notice dated 15/05/2025. On this ground, request for arbitration was refused.

5. Perusal of the work order in question and correspondence with respect to appointment of Arbitrator indicates that the respondent is avoiding the arbitration proceeding and request for appointment of Arbitrator, drawing advantage of an inadvertent error in the notice dated 15/05/2025, issued by the Advocate. It is apparent from the reply, dated 12/06/2025 that work order was indeed issued to the applicant in its name M/s Indo Unique Flame Limited. The application for appointment of Arbitrator deserves to be

allowed.

6. Learned Advocate for the applicant has suggested the name of Justice R.K. Deshpande, Former Judge of Bombay High Court to be appointed as sole Arbitrator.

7. Learned Advocate for the respondents seek time to respond.

8. Stand over to 13/03/2026.

(ROHIT W. JOSHI, J.)

Wadkar