



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

MISCELLANEOUS CIVIL APPLICATION (ARBITRATION) NO.507/2025

(M/S CLIMB UP INFRA PRIVATE LIMITED **VERSUS** M/S SUDHIR CONSTRUCTION
INFRA SPACE PRIVATE LIMITED, NAGPUR)

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

Court's or Judge's order

Shri A.H. Lohiya, counsel for the applicant.
Shri S.N. Bhattad, counsel for the non-applicant.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : APRIL 10, 2026

Heard the learned counsel for the parties.

2. This is an application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short, 'the Act of 1996') for appointment of Arbitrator to resolve the disputes in between the parties.

3. The applicant and the non-applicant had entered into a tripartite Memorandum Of Understanding on 27.10.2021 with respect to the performance of work of road construction. The non-applicant terminated the Memorandum Of Understanding on 11.06.2022 and consequentially the applicant issued a notice dated 07.04.2025 for appointment of the Arbitrator in view of the dispute which has arisen between the parties. Since the parties did not arrive at a consensus about appointment of the Arbitrator, the instant application is filed.

4. Perused the documents on record. The memorandum of understanding dated 27.10.2021 contains an arbitration clause being Clause 31 which provides for the mechanism to be adopted for dispute resolution between the parties by way of arbitration. It is pointed out that a dispute has arisen and therefore it requires to be referred for arbitration for its settlement.

5. Although the learned counsel for the non-applicant advanced certain submissions on merits of the dispute, in my view, while considering the application under Section 11(6) of the Act of 1996, those issues need not be dealt with. The contentious issue between the parties are required to be decided by the Arbitrator. It would be open for the parties to raise all contentious issues before the Arbitrator. Accordingly, I propose to appoint Hon'ble Shri Justice A.B. Chaudhari, Former Judge of the Bombay High Court as sole Arbitrator to resolve the dispute.

6. The Registrar (Judicial) is requested to seek disclosure as per Section 11(8) and 12(1) of the Act of 1996. The Registry shall do the needful within one week.

7. List the miscellaneous civil application on 04.05.2026 for further consideration.

(PRAFULLA S. KHUBALKAR, J.)