

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

ARBITRATION PETITION NO.43 OF 2025

BEST ORGANIC INGREDIENTS PTY.
LTD.

PETITIONER(S)

VERSUS

EXPOVAN

RESPONDENT(S)

O R D E R

1. This petition under Section 11(5) of the Arbitration and Conciliation Act, 1996 (Act) seeks the appointment of a sole arbitrator to adjudicate disputes arising from a Memorandum of Understanding dated 26.05.2024, executed between the Petitioner(s) and the Respondent(s).

2. Briefly observed, the Petitioner, Best Organic Ingredients Pty. Ltd., is an Australian entity engaged in the business of trade and supply of various organic food products, including vanilla beans. Respondent No. 1, Expovan, is a partnership firm incorporated in India. Respondent Nos. 2 and 3 are partners in the Respondent No. 1-firm, while Respondent No. 4 is the firm's Head of Business Development. The Petitioner company, on various occasions, sold vanilla beans to the Respondent No. 1-firm.

3. It is alleged that Respondent No. 1 began defaulting on payments due to the Petitioner from July 2020. After various communications and complaints, the parties arrived at a settlement recorded in a Memorandum of Understanding dated 26.05.2024, under which Respondent No. 1 acknowledged an outstanding amount of USD

500,000 and committed to clearing the same through staggered payments by the third week of June 2024. Clause 7 of the Memorandum provides that disputes not resolved through mutual discussion shall be referred to arbitration, with the seat in India and the language of arbitration being English.

4. It is further contended that Respondent No. 1 has again failed to make its payments in terms of the Memorandum of Understanding. It appears that the attempts to amicably settle the disputes through mutual discussion between the parties also failed. In these circumstances, the Petitioner sought to initiate arbitral proceedings and issued an arbitration notice dated 20.12.2024. It suggested the name of Mr. Ashish Batra, Advocate, as the arbitrator. However, the Respondent has not responded to the notice. Hence, the Petitioner has filed the instant Petition, seeking appointment of a sole arbitrator.

5. We have heard learned counsel for the parties and perused the material placed on record.

6. Keeping in view the facts and circumstances recorded above and the relevant provision under the Memorandum of Understanding dated 24.05.2024, we deem it just and proper to allow the instant Arbitration Petition and appoint Justice R Suresh Kumar, former Judge, Madras High Court as the Sole Arbitrator to resolve the disputes between the parties. Keeping in view the facts and circumstances of this case, the seat and venue of arbitration shall be Chennai, India.

7. The Arbitrator shall have the liberty to fix his own remuneration/fees. Ordered accordingly.

8. Pending interlocutory applications, if any, also stand disposed of.

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

.....J.
(V. MOHANA)

NEW DELHI;
AUGUST 24, 2026.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSPetition(s) for Arbitration No(s). 43/2025

BEST ORGANIC INGREDIENTS PTY. LTD.

Petitioner(s)

VERSUS

EXPOVAN

Respondent(s)

Date : 24-08-2026 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANAFor Petitioner(s) :Mr. Raghav Sabharwal, AOR
Mr. Ayush Shrivastava, Adv.
Mr. Dharmesh Shersia, Adv.
Mr. Mohd Saqib, Adv.

For Respondent(s) :Mr. Pranab Prakash, AOR

UPON hearing the counsel the Court made the following

O R D E R

The Arbitration Petition is allowed in terms of the signed
order.

Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS(NIKITA SINGH)
COURT MASTER (NSH)

(Signed order is placed on the file)