

Shabnoor

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

ARBITRATION APPLICATION NO.428 OF 2026

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Kotak Mahindra Bank through

Dattatray Jagtap

... Applicant

V/s.

Sushil Kumar

... Respondent

Ms Bijal Gogri i/b GNP Legal, for the Applicant.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 16, 2026

P.C.:

1. The present Application has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 ("the Act"), seeking the appointment of an Arbitrator for adjudication of the disputes and differences stated to have arisen between the parties under an Agreement dated 9 February 2024. The arbitration agreement between the parties is contained in Clause 10.15 of the said Agreement, a copy whereof is placed at page 42 of the Application. In the interest of brevity, the said arbitration clause is not reproduced herein. It would suffice to observe that the present Application falls within the jurisdiction of this Court.

2. The record indicates that the Applicant invoked the arbitration agreement by issuing a notice dated 15 July 2025. Despite service of the said notice, the Respondent has neither furnished any reply thereto nor filed any affidavit in reply to the present Application.

3. Upon perusal of the material placed on record, it is evident that the arbitration agreement has been duly invoked by the Applicant.

4. This Court is satisfied that a valid and subsisting arbitration agreement exists between the parties and that the said agreement has been duly invoked. It would, therefore, be appropriate to refer the disputes and differences arising out of or in connection with the aforesaid Agreement dated 9 February 2024 to arbitration before a Sole Arbitrator.

5. In the aforesaid circumstances, the present Application under Section 11 of the Act, is deserved to be disposed of in terms of the following order:

A) Mr Jash Gandhi, 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;

Office Address:- 3rd Office, Brady House Building, 2nd Floor,
Kala Ghoda, Mumbai – 400 001

Email: jaasshgandhi@gmail.com

B) A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Applicant within a period of one week from today. The Applicant 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 Advocates for the Applicant so as to enable them to file the same in the Registry of this Court. The Registry of this Court shall retain the said Statement on the file of this Applicant and a copy of the same shall be furnished by the Advocates for the Applicant to the Advocates for the Respondent;

D) 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;

E) 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;

F) 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.

6. All issues on merits are expressly kept open to be agitated before the arbitral tribunal appointed hereby.

7. 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.

(AMIT BORKAR, J.)