

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/PETN. UNDER ARBITRATION ACT NO. 100 of 2023

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M/S CERA SANITARY WARE LIMITED
Versus
NANDANAM SANITARIES

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Appearance:

MR DAKSHESH MEHTA(2430) for the Petitioner(s) No. 1
SERVED BY PUBLICATION IN NEWS for the Respondent(s) No. 1

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**CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL**

Date : 20/02/2026

ORAL ORDER

1. The present petition has been filed in the month of January, 2023 to seek appointment of Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996. By order dated 27.10.2023, notice was issued to the respondent through R.P.A.D returnable on 08.12.2023. In addition to the said mode, service through direct mode was permitted and the petitioner was required to file affidavit of service on the next date fixed. No affidavit of service had been filed by the petitioner.

2. The notice sent through Registered Post could not be served as it had returned with the remarks by the Post Office "notice through R.P.A.D is unserved as door locked". By order dated 14.02.2025, one more opportunity was granted to the

petitioner to effect direct service upon the respondent and file affidavit of service.

3. On filing of the affidavit of service, noticing that the petitioner has not been able to serve the respondent directly as the door was found locked, by order dated 07.03.2025, substituted service by way of publication was allowed. The petitioner was directed to make publication of the notice of the next date fixed in this Arbitration Petition, in two local daily newspapers having wide circulation in the locality concerned, one in English language and other in Vernacular.

4. The affidavit of service filed on 05.05.2025 states that notice was published in two newspapers, namely Deepika newspaper (Thrissur edition) in English on 23.04.2025 and in Kerala Kaumudi (Thrissur edition) dated 27.04.2025, in Vernacular.

5. A perusal of the copy of the newspaper attached in original with the affidavit of service indicates that the publication was made in one newspaper only, namely Kerala Kaumudi, by publishing the notice in both language, namely English and Vernacular, on the same page. The paper publication as permitted by the order dated 07.03.2024 has not been carried out. The affidavit of service dated 05.05.2025 is hereby rejected, because of the wrong submissions made therein and non-compliance of the order dated 07.03.2025 of this Court.

6. However, on the request made by Mr. Dakshesh Mehta,

learned advocate for the petitioner, as a last opportunity, liberty is granted to publish the notice of the date fixed in this Arbitration Petition in two daily newspapers of wide circulation, one in English and other in Vernacular, in the locality concerned and file affidavit of service in a proper manner, failing which the present petition stands dismissed.

7. List this matter on 20.03.2026, on the top of the board. It is made clear that no leave note or sick note would be honoured and in case of absence of the learned Counsel for the petitioner, the petition will be decided ex-parte.

(SUNITA AGARWAL, CJ.)

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