

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/PETN. UNDER ARBITRATION ACT NO. 75 of 2025**

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M/S SU MANGALA COKE PVT. LTD.

Versus

M/S. AKASH COKE INDUSTRIES PVT. LTD. THROUGH ITS
AUTHORIZED DIRECTOR

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Appearance:

MR ANMOL S PUROHIT(10058) for the Petitioner(s) No. 1
MR AMITKUMAR SUREKHA, ADVOCATE for MR VIKAS
KUMAR BHUWANIA, ADVOCATE for MS. KETKI P JHA(9864)
for the Respondent(s) No. 1

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

Date : 10/04/2026

ORAL ORDER

1. Heard learned Counsels appearing for the parties and perused the record. The present petition has been filed seeking for appointment of an Arbitrator, in a dispute which has arisen in relation to the agreement dated 02.08.2021.

2. There is no issue about the fact that the agreement was signed by the parties herein and it contains an Arbitration Clause. The notice invoking Arbitration Clause has been duly served upon the respondent.

3. The only objection taken to the appointment of an Arbitrator is that the petitioner had fraudulently entered into

the agreement dated 02.08.2021 giving wrong information to the respondent that the patent was granted to it under the Patents Act, 1970, whereas the petitioner was granted patent only on 26.10.2022. The submission is that the very inception of the agreement, which pertains to transfer of technology, projected as having patent in favour of the petitioner, is an outcome of fraud committed by the petitioner upon the respondent. The submission is that all the claims of the petitioner are, thus, required to be rejected outrightly.

4. To deal with this submission of the learned Counsel for the respondent, suffice it to say that the arguments pertaining to validity of the agreement or the agreement being an outcome of fraud, pertain to the merits of the dispute which cannot be adjudicated at the pre-referral stage.

5. The objections taken by the respondent to refer the dispute to Arbitrator, therefore, is rejected. All the rights and contention of the parties are left open. I have no option to but allow the present petition. Hence, I pass the following order:-

O R D E R

(i) Petition is **ALLOWED**.

(ii) Mr. Mihir J. Thakore having address at A-701 to 704, 7th Floor, Shapat Hexa, Opposite Gujarat High Court, Sola, Janta Nagar Ghatlodia Road Ahmedabad:380060 and

having contact No. 9825005488 and Email address: mihirthakore@gmail.com is appointed as sole Arbitrator to resolve the disputes between the parties in accordance with the Arbitration Centre (Domestic and International), High Court of Gujarat Rules, 2021. Both parties would be governed by said Rules.

(iii) Registry is directed to communicate this order to the sole arbitrator forthwith by speed post. No order as to costs.

(iv) Consequently, all pending connected application/s, if any, stands disposed of.

(SUNITA AGARWAL, CJ.)

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