

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/PETN. UNDER ARBITRATION ACT NO. 247 of 2025**

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ADANI TOTAL GAS LIMITED

Versus

M S CERAMICS

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Appearance:

MR ASPI M KAPADIA(1865) for the Petitioner(s) No. 1

MS DELSHAD A KAPADIA(10238) for the Petitioner(s) No. 1

MR ANSHUL SURI, ADVOCATE with

MR PARTH B THUMMAR(13122) for the Respondent(s) No. 1

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**CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL****Date : 24/04/2026****ORAL ORDER**

1. Heard Mr. Aspi Kapadia, learned advocate for the petitioner and Mr. Anshul Suri, learned advocate for Mr. Parth Thummar for the respondent.

2. Having heard learned advocates for the parties and perused the record, pertinent is to note that there is no dispute about the Arbitration Clause No. 20 and 20.2, being the part of agreement signed by the respondent. The issue being raised is with regard to the seat / venue of Arbitration being at Ahmedabad as filled in Annexure-'B' (to the agreement), on the premise that these fields were filled up by the petitioner unilaterally and the respondent had never agreed nor was given copy of the said agreement. This issue cannot be entertained and adjudicated at the pre-referral

stage. The fact remains that there is no dispute about the signature of the respondent on the agreement as well as Annexure-'B', a copy whereof is appended with the present petition.

3. It may also noted that no reply to the notice under Section 21 of the Arbitration and Conciliation Act, 1996 has been given by the respondent inspite of sufficient service thereof.

4. In view of the above, the objections raised by the learned advocate appearing for the respondent to the prayer of the petitioner to refer the dispute to arbitration cannot be entertained. The present petition deserves to be allowed.

5. Hence, I pass the following :

O R D E R

(i) Petition is **ALLOWED**.

(ii) Hon'ble Mr. Justice C. L. Soni, Former Judge, High Court of Gujarat, Residing at : A-1003, Swati Symphony, Drive-in Road, Near Durdarshan Tower, Bodakdev, Ahmedabad - 380054, e-mail address : justiceclsoni@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.

SHRIJIT PILLAI

(SUNITA AGARWAL, CJ)