

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMM. ARBITRATION APPLICATION (L.) NO. 13608 OF 2026
WITH
COMMERCIAL ARBITRATION PETITION (L.) NO. 11706 OF 2026

AM Realty-Info Private Limited

...Petitioner/Applicant

V/s.

Krishlex Polymers Pvt. Ltd. & Anr.

...Respondents

Mr. Saurish Shetye *i.b. Mr. Namdev Gore, for the Petitioner-Applicant.*

Mr. Abhishek Kothari *with Mr. Karan G. Fafat and Mr. Niket Jani, for the Respondents.*

CORAM: SANDEEP V. MARNE, J.

DATED: 6 May 2026.

P.C.:

1) Commercial Arbitration Petition (L.) No. 11706 of 2026 is not on board. At the request of Mr. Shetye, the learned counsel appearing for the Applicant-Petitioner therein, the same is taken on board for analogous hearing with Section 11 application.

2) These are proceedings filed under Sections 9 and 11 of the Arbitration and Conciliation Act, 1996 (**Arbitration Act**) seeking interim measures and for appointment of arbitrator. The disputes and

differences have arisen between the parties out of Memorandum of Understanding dated 14 July 2025 and Agreement for Sale dated 14 July 2025.

3) Mr. Kothari, the learned counsel appearing for the Respondent fairly does not dispute existence of arbitration clause. He however submits that the principal agreement, as well as, arbitration agreement has expired. This dispute can be decided by the Arbitral Tribunal. Since there is no dispute about existence of arbitration agreement, it would be just and proper to constitute Arbitral Tribunal comprising of a sole Arbitrator. So far as petition filed under Section 9 of the Act is concerned, since Arbitral Tribunal is being constituted, it would be appropriate to relegate the Petitioner to remedy under Section 17 of the Arbitration Act.

4) I accordingly proceed to pass the following order :

(A) Mr. Yashvardhan Momaya, an Advocate of this Court is hereby appointed as sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of three Agreements referred to above. The contact details of the Arbitrator are as under :

Office Address :- 205, Arcadia, NCPA Marg, Nariman Point, Mumbai-400 001.

Email ID :- yashmomaya@gmail.com

Mobile No.: 99201 36409

(B) A copy of this order be communicated to the learned sole Arbitrator by the Advocates for the Petitioner/Applicant within a period of one week from the date of upload of this order. The Petitioner/Applicant shall provide the contact and communication particulars of the parties to the Arbitral Tribunal alongwith 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 parties within a period of 2 weeks from receipt of a copy of this order.

(D) The parties shall appear before the learned sole Arbitrator on such date and at such place as indicated by him, to obtain appropriate direction with regard to conduct of the arbitration including fixing a schedule for pleadings, examination of witnesses, if any, schedule of hearings etc.

(F) The sole Arbitrator shall be entitled to the fees prescribed under the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018 and the arbitral costs and fees of the Arbitrator shall be borne by the parties in equal proportion and shall be subject to the final Award that may be passed by the Tribunal.

5) Commercial Arbitration Petition (L.) No. 11706 of 2026 is converted into application under Section 17 of the Arbitration Act to be decided by the Tribunal on its own merits.

6) All rights and contentions of the parties are expressly kept open to be adjudicated before the Arbitral Tribunal.

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[SANDEEP V. MARNE, J.]