IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/PETN. UNDER ARBITRATION ACT NO. 119 of 2026
With
R/PETN. UNDER ARBITRATION ACT NO. 123 of 2026

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR.JUSTICE D.N.RAY

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Approved for Reporting	Yes	No
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SHILPABEN SHAH & ORS.
Versus
JASMIN PRAVINCHANDRA SHAH

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Appearance:
ADITYA A GUPTA(7875) for the Petitioner(s) No. 1,2,3
MR PADMRAJ K JADEJA(2095) for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE D.N.RAY**

Date : 09/10/2026

ORAL JUDGMENT

1. Heard Mr.Aditya A. Gupta, learned advocate for the petitioners and Mr.Padmaraj K. Jadeja learned advocate for the respondent.

2. Issues raised in Arbitration Petition No. 119 of 2026 and Arbitration Petition No. 123 of 2026 are substantially identical and they were heard together. For the sake of convenience, Arbitration Petition No. 119 of 2026 is treated as the lead petition, and the decision rendered herein

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shall govern the outcome of the connected petition as well.

3. The factual matrix giving rise to the lead petition is as under:-

3.1 The petitioners' case, *in nuce*, is that late Shri Sanjay Pravinchandra Shah and the respondent constituted a partnership firm, M/s. Corus Metal, under a Partnership Deed dated 29.06.2020, each holding an equal 50% share. Clause 9 of the Deed makes the partnership at will, while Clause 14 provides for reference of all disputes relating to the firm to arbitration.

3.2 The firm owned Gujarat Industrial Development Corporation (GIDC) land bearing Survey No. 1954, Sub-Plot No. 402, at Village Dholka, District Ahmedabad. According to the petitioners, the respondent executed an agreement to sell (banakhat) dated 01.01.2022, for a consideration of Rs. 1,81,00,000/-, and thereafter conveyed the said land to M/s. Sachi Steel Solution Private Limited by a registered Sale Deed dated 27.08.2024, without remitting the deceased's 50% share of the consideration. Shri Sanjay Pravinchandra Shah passed away on 04.12.2025, and the petitioners contend that

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the two-partner firm thereupon stood dissolved by operation of law.

3.3 The petitioners thereafter sought settlement of accounts and distribution of assets, including the deceased's capital of Rs.74,73,305/- as reflected in the audited balance sheet as on 31.03.2025, which the respondent declined.

3.4 The petitioners therefore invoked Clause 14 by a notice dated 09.05.2026, under Section 21 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as **"the Act, 1996"**), served on 13.05.2026, proposing a name of the sole arbitrator. By a reply dated 05.06.2026, the respondent declined to concur with the proposed nomination and contended, *inter alia*, that the disputes are non-arbitrable and that the Deed ceased to operate upon the death of the partner.

4. Being aggrieved and dissatisfied with the refusal of the respondent to refer the dispute to arbitration, the petitioners herein, have preferred the present petition under Section 11(5) of the Act, 1996, with the prayer to appoint the arbitrator.

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5. Mr. Padmraj K. Jadeja, learned counsel for the Respondent has opposed the petition on the ground of accord and satisfaction. However, in view of a catena of decisions of the Hon'ble Supreme Court including ***SBI General Insurance Co. Ltd. Vs. Krish Spinning*** *reported in* ***2024 SCC OnLine SC 1754***, the said objection is unsustainable. At this stage, both the parties agreed that a suitable Arbitrator may be appointed by the Gujarat High Court Arbitration Center.

6. Section 11(8) of the Arbitration and Conciliation Act, 1996 reads as under:-

> *"(8) the Chief Justice or the person or the institution designated by him, in appointment of an arbitrator, shall have due regard to-*
>
> *any qualifications required of the arbitrator by the agreement of the parties; and*
>
> *other consideration as are likely to secure the appointment of an independent and impartial arbitrator."*

7. Section 11(8) of the Arbitration and Conciliation Act, 1996 enjoins the appointing Court to have due regard to the qualifications agreed upon by the parties and to such

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considerations as are likely to secure the appointment of an independent and impartial arbitrator.[1] The Hon'ble Supreme Court has emphasized that panels of arbitrators ought to be "broadbased", comprising not only judges and lawyers but also engineers and other professionals, so that the technical aspects of a dispute may be suitably resolved by utilizing their expertise.[2]

8. The empirical study *Arbitrator Appointments in Numbers*, however, examining court-made appointments in cases registered in the year 2025 before select constitutional courts, records that, of 2,283 appointments for which gender was recorded, only 29.97% went to women, while technical experts accounted for a mere 3.10%.[3]

Without derogating from the primacy of competence, integrity and independence, this Court is of the considered view that

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[1] The Arbitration and Conciliation Act, No. 26 of 1996, India Code (1996), § 11(8); see also *Central Organisation for Railway Electrification v. ECI SPIC SMO MCML (JV) A Joint Venture Company*, 2024 INSC 857 (Constitution Bench), paras 36 and 38.

[2] *Voestalpine Schienen GmbH v. Delhi Metro Rail Corporation Ltd.*, (2017) 4 SCC 665, paras 7, 26, 29 and 30.

[3] Milon K. Banerji Centre for Arbitration Law, NALSAR University of Law, Hyderabad, *Arbitrator Appointments in Numbers* (October 2026). The study covers cases registered in 2025 before the Supreme Court of India and the High Courts of Delhi and Bombay, with data collected up to 30.06.2026; the figure of 3.10% relates to appointments for which the professional background of the arbitrator was recorded.

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such under-representation merits due attention. Parties, counsel and arbitral institutions are, therefore, encouraged to widen the pool from which arbitrators are drawn, so as to include duly qualified women and technical experts.

9. Accordingly, the following order is passed:-

ORDER

(i) Petition is allowed.

(ii) Hon'ble Mrs. Justice Mauna M. Bhatt, Former Judge, High Court of Gujarat, having address at:- D-45, Aryaman Bungalows, Thaltej-Shilaj Road, Shilaj, Thaltej, Ahmedabad – 380059, Mobile No. 9825039195 and Email : maunambhatt@gmail.com, is hereby appointed as the 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 also be governed by said Rules.

(iii) Registry to communicate this order to the sole Arbitrator forthwith by Speed Post.

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(iv) Consequently, all pending connected application/s, if any, stands disposed of. No order as to costs.

D.N.RAY,J)

BINA SHAH

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