

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
ARBITRATION PETITION NO.50/2025

KIRLOSKAR BROTHERS LIMITED & ANR.

PETITIONERS

VERSUS

INDIAN COUNCIL OF ARBITRATION (ICA) & ORS. RESPONDENTS

O R D E R

1. We have heard learned senior counsel/counsel for the parties. The *inter se* dispute, genesis of which lies in a joint venture agreement of 27.01.1988 followed by various subsequent events, led to some of the parties initiating multiple Court proceedings, including one before NCLT, Mumbai and the other by way of a Civil Suit No.56/2018 before the Commercial Court at Pune.

2. In the Civil Suit, the Commercial Court, vide the order dated 10.05.2024, has referred the matter to arbitration after holding that the objection raised by respondent no.3 remains open for the Arbitral Tribunal to decide.

3. In light of that order, the parties to the joint venture under the agreement have filed their statement of claim. The name of the arbitrator was also proposed; however, a dispute has arisen regarding the deposit of the arbitration costs and expenses. As the respondent no.3 has declined to share the arbitration costs and expenses, in advance, the only recourse left with the learned Arbitrator is to follow the ICA Rules and include the costs and expenses incurred on the arbitration

in the final award.

4. The ICA is directed to appoint a former Judge of this Court as the sole arbitrator. The contention *re:* the parties' proportionate liability for arbitration costs and expenses is also left open for adjudication by the learned Arbitrator.

5. With these clarifications, the petition is disposed of.

.....CJI.  
(SURYA KANT)

.....J.  
(DIPANKAR DATTA)

.....J.  
(JOYMALYA BAGCHI)

New Delhi;  
January 19, 2026

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Arbitration No(s).50/2025

KIRLOSKAR BROTHERS LIMITED & ANR.

Petitioner(s)

VERSUS

INDIAN COUNCIL OF ARBITRATION (ICA) & ORS.

Respondent(s)

Date : 19-01-2026 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE DIPANKAR DATTA  
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) :Mr. A.N. Haksar, Sr. Adv.  
Mr. Ujjwal A. Rana, Adv.  
Mr. Himanshu Mehta, Adv.  
Mr. Vibhor Jain, Adv.  
M/s. Gagrath & Co., AOR

For Respondent(s) :Mr. Mayank Pandey, AOR  
Ms. Yasheeka Garg, Adv.  
Mr. Shivraj Singh Tomar, Adv.  
Mr. Arun, Adv.

Mr. Vijay Nair, Adv.  
Mr. Rajesh P., AOR  
Mr. Manoranjan Sharma, Adv.  
Mr. Rajat Joneja, Adv.  
Mr. Anmol Kumar, Adv.

Mr. Palash Singhai, AOR

Mr. Saurav Agrawal, Adv.  
Mr. Abhishek Swaroop, Adv.  
Ms. Sanya Sud, AOR  
Ms. Raadhika Chawla, Adv.  
Mr. Harsh Khabar, Adv.  
Ms. Anadi Mishra, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

1. The petition is disposed of in terms of the signed order.
2. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)

ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)

ASSISTANT REGISTRAR

(signed order is placed on the file)