

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO.1548 OF 2014**

Usman Gani Essa Sherawala and Ors.Petitioners
Versus
Salim Vali Mohammed Bilakhya and Ors.Respondents
**WITH
ARBITRATION APPLICATION (L) NO.201 OF 2015**

Usman Gani Essa Sherawala and Ors.Applicants
Versus
Salim Vali Mohammed Bilakhya and Ors.Respondents

Mr. Mayuresh Lagu, for Petitioners.
Mr. Dinesh Kadam, for Respondent Nos.1 and 2.
Mr. Yogendra Singh i/by Mr. Ashish Mishra, for Akash SRA Co-op. Society
(proposed).

**CORAM: S.J. KATHAWALLA, J.
DATED: 11th February, 2015**

PC.

1. Heard the learned Advocates for the parties and by consent, the following order is passed :

(i) The disputes between the parties arising out of the Partnership Deed dated 01-04-2006 are referred to the sole arbitration of Mr. Rohan Rajyadakshya, Advocate.

(ii) The learned Arbitrator shall endeavour to pass his Award within a period of six months from the date of this order.

(iii) The parties and their Advocates shall meet the learned Arbitrator on 13-02-2015 at his Chambers at 5.30 p.m., and obtain necessary

directions in the matter.

(iv) In the meantime, the Respondent Nos.1 and 2 shall obtain concurrence of the Petitioners for the purpose of development of the partnership property under the SRA Scheme. The Petitioners shall grant their concurrence as and when called upon by Respondent Nos. 1 and 2 to do so. However, it is clarified that the Respondent Nos.1 and 2 seeking concurrence of the Petitioners and the Petitioners granting such concurrence, shall be without prejudice to all the rights and contentions of the parties, in all proceedings including the Arbitration proceedings.

(v) In view thereof, the order dated 17-12-2014 shall no longer be in force.

(vi) The cost of the arbitration shall initially be borne by the parties equally.

(vii) The venue of arbitration shall be at Mumbai.

(viii) The parties shall be at liberty to make an Application before the learned Arbitrator under Section 17 of the Act seeking appropriate reliefs if they so desire.

(ix) The above Arbitration Petition as well as Arbitration Application (L) No.201 of 2015 accordingly stand disposed of.

(S.J.KATHAWALLA, J.)