

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION (LODGING) NO.479 OF 2015
WITH
ARBITRATION APPLICATION (LODGING) NO.478 OF 2015

Shivam Parivar Developers Pvt. Ltd. ...Petitioner
V/s.
Chambur Eleven Haven Co-Op.Hsg. Soc. Ltd. ...Respondent

Ms.Mamta Sadh with Mr.Anirban Roy, Mr.Ratnarai Roy and
Ms.Shubhangi Kamble i/b Roys' Law Firm for the Petitioner.

Mr.M.S. Raje with Mr.Varad Deore for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 30TH OCTOBER, 2015.

P.C. :-

1. There is no dispute that the arbitration agreement exists between the parties. By consent of parties Ms.Dipti Panda, Advocate is appointed as a sole arbitrator.
2. Learned counsel appearing for the respondent continues the statement made before this Court for a period of four weeks from today. Statement is accepted. By consent of parties, the arbitration petition filed by the petitioner under section 9 of the Arbitration & Conciliation Act, 1996 is treated as an application under section 17 which can be pursued by the petitioner before the learned arbitrator.

Affidavit in reply filed to the said arbitration petition is treated as a reply to the said application under section 17. Both the parties are at liberty to file additional pleadings before the learned arbitrator. If any additional pleadings are proposed to be filed by any of the parties, the same shall be filed within two weeks from today and shall be served upon each other.

3. The petitioner shall be at liberty to apply for continuation of the *ad-interim* order passed by this Court or for interim reliefs as prayed, whereas the respondent would be at liberty to apply for vacating the statement made by the respondent before the learned arbitrator. The learned arbitrator is requested to dispose of the application under section 17 within four weeks from the date of the first meeting. It is made clear that this Court has not expressed any views on merits of the matter.

4. All the contentions of both the parties are kept open.

5. Both the proceedings are disposed of in aforesaid terms.

No order as to costs.

(R.D. DHANUKA, J.)