

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**ARBITRATION APPLICATION NO. 327 OF 2014**

Dhirajlal Shah & Anr.

... Applicants

Versus

Vadilal Kunverji Gada & Anr.

... Respondents

Mr.M.A. Shah i/b. M/s. Divya Shah and Company for the Petitioner.  
Mr. Jayant Prakash for the Respondents.

**CORAM : S.J. KATHAWALLA, J.**  
**DATED : 25<sup>TH</sup> FEBRUARY, 2015**

**P.C.**

1. The Applicants – Dhirajlal Shah & Anr. have filed the above Arbitration Application against the Respondents – Vadilal Kunverji Gada & Anr. under section 11 of the Arbitration and Conciliation Act, 1996 (the Act) for appointment of an independent Arbitrator to resolve the disputes which have arisen between the parties out of the Memorandum of Understanding dated 23<sup>rd</sup> December, 2010 (Exhibit-B to the Application). The disputes between the parties pertain to transfer of shares of the Company - Ashish Bharti Realtors Private Limited.

2. Since the disputes arose between the parties, the Applicants through their Advocate's letter dated 18<sup>th</sup> June, 2014 invoked the arbitration clause contained in the Agreement dated 23<sup>rd</sup> December, 2010, which is reproduced hereunder :

*“Any disputes between the parties in respect of any provision / clause of this Agreement and / or in respect of development of the said entire property shall be referred to Arbitration by sole agreed Arbitrator in accordance with the Arbitration and Conciliation Act, 1996. The Arbitration proceedings shall be conducted in English Language”.*

3. The Respondents failed and neglected to respond to the said letter of invocation. The Applicants therefore filed the present Application and forwarded the same to the Respondents on 29<sup>th</sup> December, 2014. However, the Respondents till date have not filed their response. In view thereof, I pass the following order :

Mr. Naushad Engineer, Advocate is appointed as a sole Arbitrator to decide the disputes between the Applicants and the Respondents arising out of the Memorandum of Understanding dated 23<sup>rd</sup> December, 2010.

The above Arbitration Application is accordingly disposed of.

**(S.J. KATHAWALLA, J.)**