

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

ARBITRATION PETITION NO.1579 OF 2014

Allywn William Silveria	...	Petitioner
versus		
Jitendra Maneklal Shah	...	Respondent

**WITH
ARBITRATION PETITION NO.1580 OF 2014**

Caetano Rosario Menino Lourdinho Vaz	...	Petitioner
versus		
Jitendra Maneklal Shah	...	Respondent

**WITH
ARBITRATION PETITION NO.1592 OF 2014**

Fatima D'Souza Nee Ferrao	...	Petitioner
versus		
Jitendra Maneklal Shah	...	Respondent

**WITH
ARBITRATION PETITION NO.1603 OF 2014**

Ganapathy S. Vaidhyanathan	...	Petitioner
versus		
Jitendra Maneklal Shah	...	Respondent

**WITH
ARBITRATION PETITION NO.1604 OF 2014**

Marcelina Joseph Dias	...	Petitioner
versus		
Jitendra Maneklal Shah	...	Respondent

**WITH
ARBITRATION PETITION NO.1613 OF 2014**

Thomas Cajetan Fernandes	...	Petitioner
versus		
Jitendra Maneklal Shah	...	Respondent

WITH
ARBITRATION PETITION NO.1617 OF 2014

Judith Filomeno D'Silva	...	Petitioner
versus		
Jitendra Maneklal Shah	...	Respondent

WITH
ARBITRATION PETITION NO.1626 OF 2014

Louis Caetano Gomes	...	Petitioner
versus		
Jitendra Maneklal Shah	...	Respondent

WITH
ARBITRATION PETITION NO.1627 OF 2014

Malikayil Nalini Nicholson	...	Petitioner
versus		
Jitendra Maneklal Shah	...	Respondent

WITH
ARBITRATION PETITION NO.1628 OF 2014

Innocencial Mascarenhas Nee Mendonca	...	Petitioner
versus		
Jitendra Maneklal Shah	...	Respondent

WITH
ARBITRATION PETITION NO.1630 OF 2014

Felix Salvador Saldanha	...	Petitioner
versus		
Jitendra Maneklal Shah	...	Respondent

**WITH
ARBITRATION PETITION NO.1633 OF 2014**

Kusuma Narayan Thingalaya	...	Petitioner
versus		
Jitendra Maneklal Shah	...	Respondent

**WITH
ARBITRATION APPLICATION (L) NO.97 OF 2015**

Ganapathy S. Vaidhyanathan	...	Applicant
versus		
Jitendra Maneklal Shah	...	Respondent

**WITH
ARBITRATION APPLICATION (L) NO.98 OF 2015**

Innocencia Mascarenhas Nee Mendonca	...	Applicant
versus		
Jitendra Maneklal Shah	...	Respondent

**WITH
ARBITRATION APPLICATION (L) NO.99 OF 2015**

Fatima D'Souza Nee Ferro	...	Applicant
versus		
Jitendra Maneklal Shah	...	Respondent

**WITH
ARBITRATION APPLICATION (L) NO.100 OF 2015**

Marcelina Joseph Dias	...	Applicant
versus		
Jitendra Maneklal Shah	...	Respondent

**WITH
ARBITRATION APPLICATION (L) NO.101 OF 2015**

Caetano Rosario Menino Lourdinho Vaz	...	Applicant
versus		
Jitendra Maneklal Shah	...	Respondent

**WITH
ARBITRATION APPLICATION (L) NO.102 OF 2015**

Judith Filomeno D'Silva ... Applicant
versus
Jitendra Maneklal Shah ... Respondent

**WITH
ARBITRATION APPLICATION (L) NO.103 OF 2015**

Louis Caetano Gomes ... Applicant
versus
Jitendra Maneklal Shah ... Respondent

**WITH
ARBITRATION APPLICATION (L) NO.104 OF 2015**

Thomas Cajetan Fernandes ... Applicant
versus
Jitendra Maneklal Shah ... Respondent

**WITH
ARBITRATION APPLICATION (L) NO.105 OF 2015**

Malikayil Nalini Nicholson ... Applicant
versus
Jitendra Maneklal Shah ... Respondent

**WITH
ARBITRATION APPLICATION (L) NO.106 OF 2015**

Allwyn William Silveria ... Applicant
versus
Jitendra Maneklal Shah ... Respondent

**WITH
ARBITRATION APPLICATION (L) NO.107 OF 2015**

Kusuma Narayan Thingalaya ... Applicant
versus
Jitendra Maneklal Shah ... Respondent

**WITH
ARBITRATION APPLICATION (L) NO.110 OF 2015**

Felix Salvador Saldanha ... Applicant
versus
Jitendra Maneklal Shah ... Respondent

Mr. Naushad Engineer with Mr. Lalit Katariya, ms. B. Lobo i/by M/s. Katariya and Associates, for Petitioners/Applicants.

Mr. F. Andhyarujina, Senior Advocate with Mr. Ashish Rao, Mr. M.F.Andhyarujina i/by M/s. M and M Legal Ventures, for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 4th SEPTEMBER, 2015

PC.:

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

(i) All disputes between the parties arising out of the Agreement for Permanent Alternate Accommodation dated 25-01-2012 are referred to the sole arbitration of Mr.Sharan Jagtiani, Advocate.

(ii) The learned Arbitrator shall endeavour to pass his Award within a period of 16 weeks from the date of the first meeting held before him by the parties and their Advocates.

(iii) The parties and their Advocates shall meet the learned Arbitrator in his Chambers on 8th September, 2015 at 5.30 p.m., and obtain necessary directions in the matter.

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

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

(vi) The Respondent, who is present in Court, states that he has not created any third party rights in respect of Flat No.101, A Wing in the construction building 'The Palazzo', the total area of which is 930.55 sq. ft. (the said flat). The statement is accepted. He undertakes that he shall complete the interiors of the flat in all respects to make it habitable. He further undertakes that pending the passing of an award and in the event of the Award being adverse to the Petitioners for a period of six weeks thereafter, he shall not sell, alienate, encumber, part with possession and/or create third party rights in respect of the same. The undertakings are accepted.

(vii) All contentions of the parties are kept open.

(viii) The Defendant undertakes to pay arrears of rent commencing from March 2015 till date by 10-10-2015 and also undertakes to pay monthly rent/compensation on or before 10th day of each month until occupation certificate is obtained and the possession of the permanent alternate accommodation is handed over to the tenants for occupation. The undertakings are accepted.

(ix) The above Arbitration Petitions as well as Arbitration Applications are accordingly disposed of.

(S.J.KATHAWALLA, J.)

C E R T I F I C A T E

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : Swaroop S. Phadke, P.S.

Uploaded on : 5th September, 2015.