

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 52 OF 2016

Frances Cooperative Housing Society Ltd. ... Applicant

Versus

Nissar Properties Pvt. Ltd. ... Respondent

Mr. L. Lewis for the Applicant.

Mr. Uttam G. Tehliaru for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 18TH MARCH, 2016

P.C. :

1. On 16th February, 2016 this Court passed an order, paragraph 10 of which is relevant and is reproduced hereunder : :

“10. It is therefore clear that the parties have failed to agree upon the appointment of an Arbitrator to resolve their disputes. Hence, the following order :

i. *The Court proposes to appoint Dr.B.B. Saraf, Advocate to decide the disputes of the Applicant and the Respondent arising out of the Agreement dated 31st December, 2010. In view thereof, Dr. B.B. Saraf, Advocate shall submit disclosure under Section 11 (8) read with Section 12 (1) of Arbitration and Conciliation Act, 1996.*

ii. *The Advocates for the parties shall forward a copy of this order to Dr.B.B. Saraf, Advocate **as well as to the Respondent** by hand delivery.*

- iii. All concerned to act on an ordinary copy of this order, duly authenticated by the learned Associate of this Court.*
- iv. Stand over to 23rd February, 2016. ”*

2. Pursuant to the above order, Dr. B.B. Saraf, Advocate has filed disclosure under Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996. The Advocates and their clients have gone through the disclosure and they have no objection to appoint Dr. B.B. Saraf, Advocate to act as Arbitrator in the matter.

The disclosure is taken on record and the following order is passed by consent :

- i. The disputes arising out of the Agreement for Redevelopment dated 31st December, 2010 between the parties are referred to the sole Arbitration of Dr. Birendra Saraf, Advocate.
 - ii. The parties shall appear before the learned Arbitrator in his chambers, on 30th March, 2016 at 5.30 a.m. and obtain necessary directions.
 - iii. The cost of arbitration shall initially be borne by the parties equally.
 - iv. All contentions of the parties are kept open.
 - v. The venue of Arbitration shall be at Mumbai.
3. In view of this order, the above Arbitration Application is disposed of.

(S.J.KATHAWALLA, J.)