

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION (L) NO.443 OF 2016

VRE Plumbing Pvt. Ltd. ... Petitioner
versus
Blue Ridge Hotels Pvt. Ltd. ... Respondent

Mr. Faran M Khan with Ms. Minal Dedhia i/by M/s. Malvi Ranchoddas and Co., for
Petitioner.
Mr. Ashish Gatagat i/by M/s. Vidhi Partners, for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 31st MARCH, 2016

P.C.:

1. On 30th March, 2016 this Court passed the following order :

“1. The learned Advocate appearing for the Respondent on instructions states that an equitable mortgage in respect of the hotel property of the Respondent is created in favour of the consortium of banks under the common loan agreement dated 30th July, 2012. Save and except the said mortgage, the Respondent has not created and shall not create any third party rights in respect of the property of the Respondent without giving 15 days clear notice to the Petitioner and its Advocate. The learned Advocate for the Respondent on instructions also states that if any action is taken by the banks in respect of the Respondent's property, the Respondent shall forthwith inform the Petitioner and its Advocate about

the same. Both the statements made on behalf of the Respondent are accepted. Needless to add that the statements made on behalf of the Respondent are without prejudice to the rights and contentions of the parties.

2. The learned Advocates appearing for the parties have informed the Court that the Court may appoint any Advocate as the sole Arbitrator to decide the disputes between the parties arising out of the two Articles of Agreement, both dated 3rd January, 2014. The Court proposes to appoint Mr. Jimmy Avasia, Advocate to act as an Arbitrator to decide the disputes between the parties arising out of the two Articles of Agreement, both dated 3rd January, 2014. In view thereof, Mr. Jimmy Avasia, Advocate shall submit disclosure under Section 11 (8) read with Section 12 (1) of Arbitration and Conciliation Act, 1996.

3. The Advocates for the parties shall forward a copy of this order to Mr. Jimmy Avasia, Advocate.

4. All concerned to act on an ordinary copy of this order, duly authenticated by the learned Associate of this Court.

5. Stand over to 31st March, 2016 3.00 p.m.

2. Pursuant to the above order, Mr. Jimmy Avasia, Advocate has filed disclosure under Section 11(8) read with Section 12(1) of the Arbitration and

Conciliation Act, 1996. The learned Advocates for the parties have gone through the same and have no objection. The disclosure is taken on record and the following order is passed by consent :

- i. The disputes arising out of the two Articles of Agreement both dated 3rd January, 2014 between the parties are referred to the sole Arbitration of Mr. Jimmy Avasia, Advocate.
 - ii. The parties shall appear before the learned Arbitrator in his chambers, on 4th April, 2016 at 5.00 p.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 Petition is disposed of.

(S.J.KATHAWALLA, J.)