

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICANT NO.216 OF 2015**

Vipul Shantilal Gala and Anr. ... Applicants
versus
Allied Construction Company and Anr. ... Respondents

**WITH
ARBITRATION APPLICANT NO.215 OF 2015**

Vipul Shantilal Gala and Anr. ... Applicants
versus
Allied Construction Company and Anr. ... Respondents

**WITH
ARBITRATION PETITION NO.1134 OF 2015**

Vipul Shantilal Gala and Anr. ... Petitioner
versus
Allied Construction Company and Anr. ... Respondents

**WITH
ARBITRATION PETITION NO.1203 OF 2015**

Vipul Shantilal Gala and Anr. ... Petitioners
versus
Allied Construction Company and Anr. ... Respondents

Mr. M.P.Vora i/by M/s. Pramod Kumar and Co., for Applicants/Petitioners.
Mr. Nilesh Soni i/by Mr Deepak Lulia, for Respondents.

CORAM: S.J. KATHAWALLA, J.

DATE: 7th JULY, 2016

P.C.:

1. Pursuant to the order passed by this Court dated 1st July, 2016, the learned Advocates for the parties have tendered disclosure of Mr. Minoo Siodia,

Advocate and Solicitor, under Section 11 (8) read with Section 12 (1) of Arbitration and Conciliation Act, 1996. The same is taken on record. In view thereof, by consent of the parties, Mr. Minoo Siodia, Advocate and Solicitor, is appointed as the Sole Arbitrator to decide the disputes between the parties arising out the Contract/Writing dated 15th June, 2008.

2. The parties shall appear before the learned Arbitrator in his chambers, on 11th July 2016 at 5.00 p.m. and obtain necessary directions.

3. The order dated 1st July, 2016 shall continue to be in force and the Learned Arbitrator shall treat the above Petitions as Petitions under Section 17 of the Act and pass appropriate orders.

4. The learned Advocate for the Applicants/Petitioners have tendered a Joint Development Agreement dated 04-03-2013 and after pointing out Annexure 3 thereto, have submitted that the Applicants have already created third party rights in respect of the premises Nos.C-01-A, C-01-B, C-103, C-402, C-403, and C-404. He states that the Respondents have therefore, made an incorrect statement before this Court on 01-07-2016. The learned Advocate for the Respondents states that the agreements pertaining to the said six premises have been cancelled.

5. In view thereof, the learned Advocate for the Respondents shall within one week from today file an Affidavit before the learned Arbitrator setting out the correct facts pertaining to the said six flats and also annex thereto, documents in support of

their case that the allotments in respect of the said flats are cancelled. The learned Arbitrator shall after hearing the parties pass appropriate orders in the Application seeking interim reliefs.

6. All contentions of the parties are kept open.
7. The cost of arbitration shall initially be borne by the parties equally.
8. The venue of Arbitration shall be at Mumbai.
9. In view of this order, the above Arbitration Applications as well as Arbitration Petitions stand disposed off.

(S.J.KATHAWALLA,J.)