

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

ARBITRATION APPLICATION NO.32 OF 2016

M/s. Deserve Emerald Realty Pvt. Ltd. ... Applicant
versus
Adarsh Kapol Nagar Co-op. Hsg. Society ... Respondent

Mr. S.S.Gawde, for the Applicant.
Mr. S. S. Kothari, for Respondent.

CORAM: S.J. KATHAWALLA, J.
DATE: 12th FEBRUARY, 2016

P.C.:

1. On 8th February, 2016, this Court passed the following order:

"1. 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 Memorandum of Understanding dated 19th February, 2014. The Court proposes to appoint Mr. Phiroz Bharucha, Advocate as a sole Arbitrator to decide the disputes between the parties. In view thereof, Mr. Phiroz Bharucha, Advocate shall submit disclosure under Section 11 (8) read with Section 12 (1) of Arbitration and Conciliation Act, 1996.

2. The Advocates for the parties shall forward a copy of this order to Mr. Phiroz Bharucha, Advocate.

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

4. Stand over to 12th February, 2016."

2. Pursuant to the above order, Mr. Phiroz Bharucha, Advocate has filed disclosure

under Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996. The same is taken on record and the following order is passed by consent :

- i. The disputes arising out of the Memorandum of Understanding dated 19th February, 2014 between the parties are referred to the sole Arbitration of Mr. Phiroz Bharucha, Advocate.
 - ii. The parties shall appear before the learned Arbitrator in his chambers, on 17th February, 2016 at 5.30 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 Application is disposed of.

(S.J.KATHAWALLA, J.)