

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

COMM. ARBITRATION PETITION NO.222 OF 2017

M/s. Sun-Vision Estate LimitedPetitioner

Vs.

D N Nagar Shree Ganesh CHS Ltd.Respondent

Mr. Karl Tamboly a/w. Mr. Vishal Raman and Mr. Akash Jain i/b. RVJ Associates for petitioner.

Mr. J.S. Kini i/b. Mr. Suresh Dubey for respondent.

CORAM : K.R.SHRIRAM, J.

DATE : 27th JUNE, 2017

P.C.:

1 Mr. Tamboly, counsel for petitioner suggest that Mr. Vishal Kanade, an Advocate practicing in this court, be appointed as the Sole Arbitrator and the present petition be converted into an application under Section 17 of the Arbitration and Conciliation Act, 1996 and the Arbitrator can consider the same and pass necessary orders. Mr. Kini, counsel for respondent has no objection.

2 Therefore, Mr. Vishal Kanade, Advocate is appointed as the Sole Arbitrator to decide on all issues between the parties arising out of or in connection with or with reference to the Development Agreement dated 24th July, 2015. The fees and administrative expenses of the Learned Arbitrator together with typing charges and venue charges, if any shall be shared equally between the parties in the first instance and the same will be costs in the arbitral proceedings.

3 This petition is converted into an application under Section 17 of the Arbitration and Conciliation Act, 1996 and the same to be filed before the Learned Arbitrator. Should the parties wish to supplement their pleadings or documents, parties are at liberty to do so and the Learned Arbitrator will consider the same.

4 Mr. Kini, counsel for respondent states that following the termination of the Development Agreement, respondent has already appointed a Developer – S.B. Associates, which has been approved by MHADA. Statement noted.

5 The above petition accordingly stands disposed.

(K.R. SHRIRAM, J.)