

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 126 OF 2012**

Mantara Properties Pvt. Ltd.

.. Applicant

Vs.

Ankit Associates & Ors.

.. Respondents

Mr. Anand Shitap i/b Jamshed Ansari for applicant.

Mr. Vasim A. Shaikh i/b A.N. D'silva for respondent no.2.

CORAM : K.R.SHRIRAM, J.

DATE : 1ST NOVEMBER 2017

P.C.

1 The applicant is seeking appointment of an Arbitrator in accordance with the provisions of Clause 24 of the Development Agreement dated 24th October 2000. Clause 24 reads as under :

“24 All disputes and differences between the parties hereto arising out of this agreement or in relation to the interpretation or effect of any of the terms and conditions contained in the agreement or in relation to the rights and contentions of the parties hereto shall be referred to arbitration or two arbitrators, one to be appointed by each party to the dispute and such arbitration shall be held in accordance with the provisions of Arbitration Act 1940 or any other statutory modifications or re-enactment thereof for the time being in force except that such Arbitrator and the umpire appointed by them shall have summary powers and the award given by the arbitrators or the umpires shall be final and binding on the parties hereto. Such arbitration shall take place in Mumbai.”

2 Since disputes arose between the parties, notice dated 15th February 2012 invoking arbitration was issued by applicant through their advocate. It is stated in the application that no reply was received to the said notice. It should also be noted that even no reply to the present application has been

filed by respondents.

3 In the circumstances, application is allowed in terms of prayer clause (a).

Mr.Karl Tamboly, an Advocate practicing in this Court is appointed as Sole Arbitrator to decide all disputes and differences arising out of, in connection with and relating to the Development Agreement dated 24th October 2000. The fees and expenses of the Arbitrator to be shared equally between the parties and the same shall be subject to costs in the arbitration proceedings.

4 The Learned Arbitrator shall give disclosure in writing as required under Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996, within three weeks of receiving a copy of this order, to the advocates for both applicant as well as respondents. Petitioner also to forward a copy of this order to the Sole Arbitrator. Parties are at liberty to raise all points before the Learned Arbitrator.

5 Application accordingly disposed.

Respondent to pay a sum of Rs. 25,000/- as cost of this application to applicant within four weeks.

(K.R. SHRIRAM, J.)