

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

IN ITS COMMERCIAL DIVISION

COMM. ARBITRATION PETITION NO. 301 OF 2017

Kamal K. Thavrani

.. Petitioner

Vs.

M/s. Kamla Landmarc Corporation
& Anr.

.. Respondents

WITH

COMM. ARBITRATION PETITION NO. 302 OF 2017

Harish K. Thavrani

.. Petitioner

Vs.

M/s. Kamla Landmarc Corporation
& Anr.

.. Respondents

Ms. Manisha Virkhare a/w. Ms. Archana Karmokar and Ms. Shraddha Ambre i/b Divya Shah Associates for petitioner (in both petitions).

Mr. Bipin J. Joshi for respondents (in both petitions).

Mr. Sunil Dond, Section Officer- representative of Court Receiver present.

CORAM : K.R.SHRIRAM, J.

DATE : 6TH DECEMBER 2017

P.C.

1 Ms. Virkhare appearing for petitioner states that on 11th July 2017 this Court has granted prayer clauses (b), (c) and (d), the Court may appoint an Arbitrator to whom this petition can be transferred as an application under Section 17 of the Arbitration and Conciliation Act, 1996 and petitioner will apply to the arbitrator for further reliefs under this application.

2 Mr. Joshi for respondents states that he has no objection and the Court may appoint any person as an Arbitrator.

3 Accordingly, the following order is passed :-

(a) Mr. Arif Bookwala, a Senior Advocate practicing in this Court having office at 32/34 Churchgate House, 2nd floor, Veer Nariman Road, Fort, Mumbai 400 001, Tel. No. : 22881450/22881451; Mobile No. 9867387262, is appointed as Sole Arbitrator to arbitrate on disputes and differences, including counterclaim, if any arising out and/or in connection with and/or relating to Memorandum of Agreements dated 5th March 2011 and 12th January 2011.

(b) All rights and contentions of parties are kept open, except contesting existence of arbitration agreement and venue of arbitration.

(c) The fees, administrative expenses, typing charges and venue expenses of the sole Arbitrator shall be shared equally between parties, i.e., 50% by petitioner and 50% by respondents and the same will be costs in the arbitration

proceedings.

(d) Within three weeks of receiving a communication from the advocate for petitioner and/or respondents, the Arbitrator shall give in writing, directly to parties, disclosure as required under Section 11(8) read with Section 12(1) of the said Act.

(e) Petitioner is permitted to file a copy of this petition with the Arbitrator who shall consider the same as an application under Section 17. The Arbitrator may pass such further orders as necessary, including modification of the orders already passed. Respondents to file photocopies of the affidavits already filed in these petitions in the proceedings before the sole Arbitrator, who shall take the same on record as response to petitioner's application under Section 17.

(f) Both parties are at liberty to file further affidavits and further documents before the Arbitrator.

3 Both Commercial Arbitration Petitions accordingly disposed.

(K.R. SHRIRAM, J.)