

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
SUIT (L) NO.267 OF 2017
IN
NOTICE OF MOTION (L) NO.268 OF 2017**

Darshan Jhaveri ... Plaintiff
versus
Vertex Newton Projects Pvt. Ltd. and Ors. ... Defendants

Mr. Vikram Nankani, Senior Advocate with Mr. Ashish Rao, Ms. Dipti Das i/by M/s. Divya Shah Associates, for Plaintiff.
Mr. D.D.Madon, Senior Advocate with Mr. Naushad Engineer, Mr. Hasmit Trivedi, Mr. C.D.Mehta i/by M/s. Dhruve Liladhar and Co., for Defendant Nos.1 and 2.
Ms. Sonu Tondon for Defendant No.3.

CORAM: S.J. KATHAWALLA, J.

DATE: 5th MAY, 2017

P.C.:

1. The learned Senior Advocate for the Plaintiff seeks to withdraw the above Suit against Defendant Nos.2 and 3. The Suit against Defendant Nos.2 and 3 is disposed of as withdrawn against Defendant Nos.2 and 3.

2. Heard the learned Advocates appearing for the parties and the following order is passed by consent :

(i) Mr. Pradeep Sancheti, Senior Advocate, is appointed as the sole Arbitrator to decide the disputes between the Plaintiff and Defendant No.1 arising out of the subject matter of the present Suit.

(ii) The disclosure of Mr. Pradeep Sancheti, Senior Advocate under Section 11 (8) read with Section 12 (1) of the Arbitration and Conciliation Act, 1996 is taken on record.

(iii) The Complaint filed by the Plaintiff herein shall be treated as statement of claim.

(iv) The present Notice of Motion and the Affidavit in support thereto, shall be treated by the learned Arbitrator as an Application under Section 17 of the Act. Reply to the Notice of Motion shall be filed by the Defendant within four weeks from today and the learned Arbitrator shall decide the same on or before 30th June, 2017.

(v) The learned Arbitrator shall endeavour to pass his final Award within a period of six months from the date of this order.

(vi) All contentions of the parties are kept open.

(vii) The cost of arbitration shall initially be borne by the parties equally.

(vii) The venue of Arbitration shall be at Mumbai.

(vii) In view of this order, the above Suit as well as Notice of Motion are disposed of.

(S.J.KATHAWALLA,J.)