

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

ARBITRATION PETITION NO.651 OF 2017

Aditya Enterprises and Ors. ... Petitioners
versus
Arvind Parshuram Parab and Anr. ... Respondents

**WITH
ARBITRATION APPLICATION (L) NO.1045 OF 2017**

Mr. Oven Menezes i/by Ms. Sunita Desai, for Petitioners.
Mr. Susmit Phatale, for Respondent Nos.1 and 2.
Mr. Arvind Parab, Respondent No.1 present.

CORAM: S.J. KATHAWALLA, J.

DATE: 20th DECEMBER, 2017

P.C.:

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

(i) Mr. Shyam Kapadia, Advocate is appointed as the sole Arbitrator to decide the disputes between the parties arising out of the Supplementary Deed of Partnership and Memorandum of Understanding both dated 25-08-2015.

(ii) The disclosure of Mr. Shyam Kapadia, Advocate under Section 11 (8) read with Section 12 (1) of the Arbitration and Conciliation Act, 1996 as amended by the Act No.3 of 2016, the Arbitration and Conciliation (Amendment) Act, 2015 (the Act) is taken on record.

(iii) The parties shall appear before the learned Arbitrator in his chambers,

on 22nd December, 2017 at 05.30 p.m. and obtain necessary directions.

(iv) The above Arbitration Petition shall be treated by the learned Arbitrator as a Petition under Section 17 of the Act and decided within a period of 12 weeks from the date of this order.

(v) Pending further orders from the learned Arbitrator, the Respondent No.1 who is present in Court, states that he shall not create any third party rights in respect of any of the suit flats. The statement is accepted as an undertaking given to this Court.

(vi) The parties undertake to disclose on Affidavit, within a period of two weeks from today, the particulars of all the flats sold, the amounts received from the said flat purchasers and the amounts yet to be received.

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

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

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

(x) In view of this order, the above Arbitration Petition as well as Arbitration Application are disposed of.

(S.J.KATHAWALLA, J.)