

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO.216 OF 2017**

Chintan A. Zaveri	...	Applicant
versus		
Kamal Dutt Co-op. Housing Soc. Ltd. and Ors.	...	Respondents

**WITH
ARBITRATION PETITION NO.100 OF 2016
WITH
NOTICE OF MOTION NO.1980 OF 2017
AND
NOTICE OF MOTION NO.1984 OF 2017
IN
ARBITRATION PETITION NO.100 OF 2016**

Kamlesh Rajendra Mehta & Ors.	...	Applicants
and		
Chintan A. Zaveri	...	Petitioner
versus		
Kamal Dutta Co-op. Housing Soc. Ltd. and Ors.	...	Respondents

Mr. Anushak Davar with Mr. Shukla i/by M/s. Vinod Mistry and Co., for Applicant/Petitioner.
Mr. Kapil Gor, for Respondent No.1.
Mr. K.H.Homable Patil i/by Mr. B.V.Holambe Patil, for Respondent Nos.2 and 3 and Applicant in support of Notice of Motion Nos. 1980 of 2017 and 1984 of 2017.

**CORAM: S.J. KATHAWALLA, J.
DATE: 19th DECEMBER, 2017**

P.C.:

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

(i) The learned Advocate for the Applicant/Petitioner - Shri Chintan A.

Zaveri on instructions states, that without prejudice to the rights, contentions and claims of Shri Zaveri, the amount due and payable to Shri Kamlesh Mehta and Mrs. Sunita Kamlesh Mehta under the Development Agreement shall be paid to them within a period of four weeks from the date of this order. It is clarified that Shri Chintan Zaveri shall be entitled to adjust the amounts already paid under the development agreement, to the original tenant from whom Kamlesh and Sunita Mehta purchased the premises.

(ii) The parties have agreed to refer their disputes to the sole arbitration of Mr. Simil Purohit, Advocate. The disclosure of Mr. Simil Purohit, 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 and/or their Advocates shall appear before the learned Arbitrator in his chambers, on 22nd December, 2017 at 10.30 a.m. and obtain necessary directions.

(iv) The Respondent Nos.2 and 3 shall be entitled to file their counter claims before the learned Arbitrator.

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

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

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

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

(ix) The Court Receiver stands discharged upon payment of his costs, charges and expenses by the Advocate for the Petitioner.

(S.J.KATHAWALLA, J.)