

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

IN ITS COMMERCIAL DIVISION

COMM. ARBITRATION APPLICATION NO.4 OF 2017

M/s.Suvidha Developers)....Applicant
V/s.

Nicholas Builders Pvt. Ltd. & Ors.)....Respondents

Mr.Piyush M.Shah for the applicant.

Mr.P.Haridran for respondent nos.1 & 2.

Mr.Javeed Hussein a/w Mr.Mubashir Hussein, Ms.Muniban Iram, Ms.Saba Shaikh, Ms.Reshma Khatri and Ms.Firdosh Khan i/by Hussein and Co. for respondent nos.5, 14, 16 to 20.

CORAM : K.R.SHRIRAM,J

DATE : 28.11.2017

P.C.:-

1 At the outset Mr.Shah appearing for the applicant seeks leave to delete respondent nos.2 to 24 from the array of respondents. Leave granted. Amendment to be carried out forthwith. Re-verification dispensed with.

2 By consent, the following order is passed :-

ORDER

(a) Mr.Sanjay Jain, an advocate practicing in this court having his office at 502, Oval House, British Hotel Lanes, Fort, Mumbai 400 023, Tel.No.22624838, Mobile No.9820073731, is appointed as sole

arbitrator to arbitrate on the disputes/differences including counter claim, if any, arising out of or relating to or in connection with the development agreement dated 23.2.2010 ;

(b) The fees, administrative expenses, typing charges and venue charges shall be shared equally between the parties and the same will be cost in the arbitral proceeding ;

(c) Within 3 weeks of receiving a copy of this order, either from the advocates for petitioner or for respondents, the learned Arbitrator shall file with the parties, disclosure in writing as required under Section 11(8) read with section 12(1) of Arbitration and Conciliation Act 1996;

(d) All rights and contentions of the parties are kept open except the question of existence of arbitration clause ;

(e) Application accordingly stands disposed.

(K.R.SHRIRAM,J)