

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION
ARBITRATION PETITION NO. 32 OF 2017
ALONG WITH
ARBITRATION APPEAL NO. 31 OF 2017

M/s. Kartik Developers ... Petitioner / Appellant

Versus

Anand Bhavan CHSL. ... Respondent

Mr.Rajesh Datar for the Petitioner / Appellant.

Mr. Jayesh Joshi for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 5TH FEBRUARY, 2018

P.C.:

1. Heard the learned Advocates appearing for the Petitioner / Appellant and the Respondent and the following order is passed by consent :

i. Mr.Sadashiv S. Deshmukh, Advocate is appointed as the sole Arbitrator to decide the disputes between the parties arising out of the Development Agreement dated 11th November, 2009.

ii. The disclosure of Mr. Sadashiv S. Deshmukh, Advocate under Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996, as amended by the Arbitration and Conciliation (Amendment) Act, 2015, is taken on record.

iii. The order passed by the Principal District Court, Thane dated 29th April, 2017 under Section 9 of the Act is set aside. The learned Arbitrator shall treat the said

Application filed under Section 9 of the Act, as Application under Section 17 of the Act and decide the same within a period of four weeks from today.

iv. The parties shall appear before the learned Arbitrator in his chambers on 6th February, 2018 at 5.00 p.m. and obtain necessary directions.

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 the arbitration shall be decided by the learned Arbitrator and the parties mutually.

2. In view of this order, the above Arbitration Petition as well as Arbitration Appeal are disposed off.

(S.J.KATHAWALLA, J.)