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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION PETITION NO. 105 OF 2017

M/s. Neeleshwar Developers ...Petitioner

V/s.

Nityanand Builders and Developers ...Respondent

Ms.Aparna Deokar i/b. M.P. Vashi & Associates for the Petitioner.
Mr. Ramesh Jain for Respondent.
Mr.Premshankar Pandey and Mr. Surendra Gupta, Partners of
Respondent present.

CORAM : R.D. DHANUKA, J.
DATE : 08TH FEBRUARY, 2018.

P.C. :-

1. By the impugned order, the learned arbitrator has granted liberty to the petitioner to carry out construction of the facade of wing 'A'. Similarly, in paragraph 23(c) of the impugned order, the learned arbitrator has directed the respondent to ensure the portion of the ground floor of Wing 'A' which is enclosed by wooden cabins, and to make the same freely available and accessible for the petitioner, its employees, staff, workers etc. to carry out construction work on the site and to enable the petitioner to take all steps in accordance with the Development Agreement dated 10th October 2004 and/or the

Supplementary Agreement dated 6th October 2009.

2. Mr. Jain appearing for the respondent on instructions from Mr. Premshankar Pandey and Mr. Surendra Gupta, partners of respondent present in Court states that the direction issued by the learned arbitrator in paragraph 23(c) of the impugned order would be complied with by his clients. Statement is accepted. In view of the statement made by the learned counsel for the respondent, I am not inclined interfere with the impugned order passed by the learned arbitrator.

3. Arbitration Petition is accordingly dismissed with the aforesaid clarification. No order as to costs.

(R.D. DHANUKA, J.)