

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
ARBITRATION APPLICATION NO.90 OF 2018**

Metro Developers Co. ... Applicant
versus
Hemant Amarchand Chhadva and Ors. ... Respondents

**WITH
NOTICE OF MOTION NO.1263 OF 2017
IN
ARBITRATION PETITION NO.455 OF 2017**

Metro Developers Co. ... Petitioner
versus
Hemant Amarchand Chhadva and Ors. ... Respondents

Mr. Ranabir Datta i/by M/s. Solomon and Co., for Petitioner/Applicant.
Mr. Chirag Balsara i/by Mr. Sandeep Bhagwat, for Respondent Nos.1 to 3.

CORAM: S.J. KATHAWALLA, J.

DATE: 13th APRIL, 2018

P.C.:

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

(i) Mr. Rashmin Khandekar, Advocate is appointed as the sole Arbitrator to decide the disputes between the parties arising out of the Permanent Alternate Accommodation Agreement dated 11-09-2015.

(ii) The disclosure of Mr. Rashmin Khandekar, 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 (3 of 2016) is taken on record.

(iii) The parties shall appear before the learned Arbitrator in his chambers, on 16th April, 2018 at 05.00 p.m. and obtain necessary directions.

(iv) The present Petition filed under Section 9 of the Act shall be treated as a Petition under Section 17 of the Act by the learned Arbitrator and the same shall be disposed of within a period of 12 weeks from the date of this order.

(v) Both the parties shall be at liberty to move for ad-interim reliefs before the learned Arbitrator.

(vi) The orders passed by this Court dated 03-04-2017 and 21-04-2017 shall continue, pending the determination of the Petition under Section 17 of the Act.

(vii) The City Survey Officer is directed to survey CTS No.457 and with superimposition of the Suit Shop No.5 and with demarcations done on site so as to earmark the physical boundaries of the shop under CTS Nos.457 and 458 respectively.

(viii) The above exercise shall be carried out by the City Survey Officer in the presence of the representatives of the parties as well as Mr. Amol Shetgiri and the report shall be placed before the learned Arbitrator.

(ix) The learned Arbitrator shall endeavour to pass his final Award within a period of six months from the date of this order.

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

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

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

(xiii) In view of this order, the above Arbitration Application, Notice of Motion and the Arbitration Petition are disposed of.

(S.J.KATHAWALLA, J.)