

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO.150 OF 2018**

Govind Niwas Co-op. Hsg. Soc. Ltd. ... Applicant
versus
A.A.Estates Pvt. Ltd. ... Respondent

**WITH
ARBITRATION PETITION NO.468 OF 2018**

Govind Niwas Co-op. Hsg. Soc. Ltd. ... Petitioner
versus
A.A.Estates Pvt. Ltd. ... Respondent

Mr. D.D.Madon, Senior Advocate with Mr. Manoj Prajapati, Mr. Chinmay Gupte, Mr. Mohit Gadkari i/by M/s. Mohit Gadkari and Co., for Applicant/Petitioner.
Mr. Vishesh Kalra i/by M/s. Vidhii Partners, for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 27th APRIL, 2018

P.C.:

1. On 26th April, 2018 this Court passed the following order :

“1. Heard the learned Advocates appearing for the parties. Both the parties agree that there exists an arbitration agreement between the parties and the Court may proceed to appoint a sole Arbitrator to decide the disputes between the Applicant and Respondent arising out of the Development Agreement dated 16th April, 2010. In view thereof, the following order is passed :-

i. The Court proposes to appoint Mr. Akash Rebello, Advocate as the sole Arbitrator to decide the disputes between the parties arising out of the Development Agreement dated 16th April, 2010.

- ii. Mr. Akash Rebello, Advocate shall submit his disclosure 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 (Act No.3 of 2016) on or before 27th April, 2018.*
- iii. Stand over to 27th April, 2018. ”*

2. Pursuant thereto, Mr. Akash Rebello, Advocate, has filed his disclosure 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), which is taken on record. The Advocate for the parties state that they have gone through the said disclosure and have no objection to the same. In view thereof, the following order is passed :

(i) Mr. Akash Rebello, is appointed as the sole Arbitrator to decide the disputes between the Applicant and Respondent parties arising out of the Development Agreement dated 16th April, 2010.

(iii) The parties shall appear before the learned Arbitrator in his chambers, on 2nd May, 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 an Application under Section 17 of the Act by the learned Arbitrator and decided within a period of 12 weeks from the date of this order.

(v) The parties agree that the developer shall not take any steps qua the

development (including creation of any third party rights) until the learned Arbitrator decides the Application under Section 17 of the Act and for a period of two weeks thereafter. It is clarified that the protection granted is in the form of workable order and the learned Arbitrator shall decide the Application under Section 17 of the Act and shall pass his final award on merits.

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

(vi) The learned Arbitrator shall not grant adjournments to the parties unless absolutely necessary.

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

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

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

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

(S.J.KATHAWALLA, J.)