

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

COMPANY PETITION NO.511 OF 2016

Sachin Corporation)....Petitioner
V/s.

Kusuma Bhandary Developers Pvt. Ltd.)....Respondent

Mr.E.A.Sasi for the petitioners.

Mr.Sharan Jagtiani with Mr.Nirman Sharma & Mr.Dharam Sharma
I/by Dharam and Co.for respondent.

Mr.Deepak Lulia for plaintiffs in Summary Suit No.227 of 2016

**CORAM : K.R.SHRIRAM,J
(IN CHAMBER)**

DATE : 3.7.2018

P.C.:-

1 The petition is still at pre-admission stage. The parties have entered into consent terms dated 3.7.2018 by which the parties have agreed to refer all their disputes which are subject matter of this petition and the other proceedings mentioned in paragraph 1(i) of the consent terms. The consent terms signed by the partner of petitioner, the director of respondent company and parties authorized to sign in the other suit for plaintiff as well as defendants is taken on record and marked 'X' for identification.

2 Mr.Jagtiani for respondent states that one Neha Shetty who was to sign the consent terms is presently in United States of America and is expected in Mumbai on 15.7.2018. Mr.Jagtiani states that on

16.7.2018 or latest by 17.7.2018 Neha Shetty will come to the court and sign the consent terms.

Statement accepted as on behalf of respondent.

3 Order in terms of consent terms. A scanned copy is reproduced herein for ease of reference.

Date: 03/07/2018
 Mar. 11/11
 03/07/2018
 11/11

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ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO. 511 OF 2016

Sachin Corporation Positioner
 Vs
 Kusuma Bhandary Developers Pvt Ltd., Company (Respondent)

CONSENT TERMS.

1. By consent of parties the following order is passed:-

i. The parties to refer the disputes and differences arising out of the following proceedings to arbitration:-

a) The above Company Petition No. 511/2016 between M/s. Sachin Corporation VS Kusuma Bhandary Developers Pvt Ltd.,

b) Comm. Summary Suit No. 471 of 2016 Between M/s. Sachin Corporation & Anr., VS Kusuma Bhandary Developers Pvt Ltd., now pending in High Court, Bombay.

c) Comm. Summary Suit No. 483 of 2016 between M/s. Sachin Corporation & Anr., VS Kusuma Bhandary Construction Pvt Ltd., now pending in High Court, Bombay.

d) Comm. Suit (L) No. 630 of 2018 between Kusuma Bhandary Developers Pvt Ltd., VS Sachin Corporation & Ors., now pending in High Court, Bombay.

e) Summary Suit No. 227 of 2016 between Yashashree T. Shetty VS M/s. Kusuma Bhandary Construction Pvt Ltd., now pending in Bombay City Civil Court at Elphinstone.

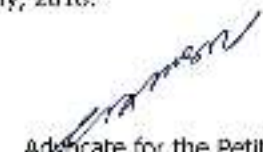
2. The parties agree to appoint Mr. Ramesh Kant as the sole arbitrator to decide the aforesaid disputes.

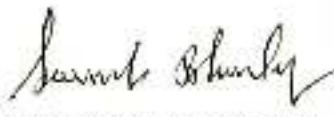
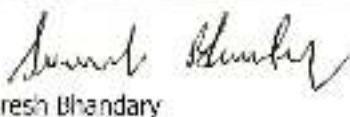
Ramesh Kant
Kusuma Bhandary
Sachin Corporation

- iii. All contentions of the parties are kept open. The parties agree not to take any objection of arbitrability of the disputes.
- iv. The parties are at liberty to make interim applications before the learned Arbitrator which shall be decided on its own merit.
- v. Both parties agree to defer their criminal complaints already instituted against each until passing of the award in the aforesaid reference. However, this will not come in the way of either parties filing any new complaint / criminal proceedings, but the said complaint / proceedings shall not be prosecuted until passing of the award.
- vi. Costs of arbitration shall be initially borne equally by the parties.
- vii. The sole Arbitrator shall endeavor to complete the Arbitration by passing an award within a period of one year from today.

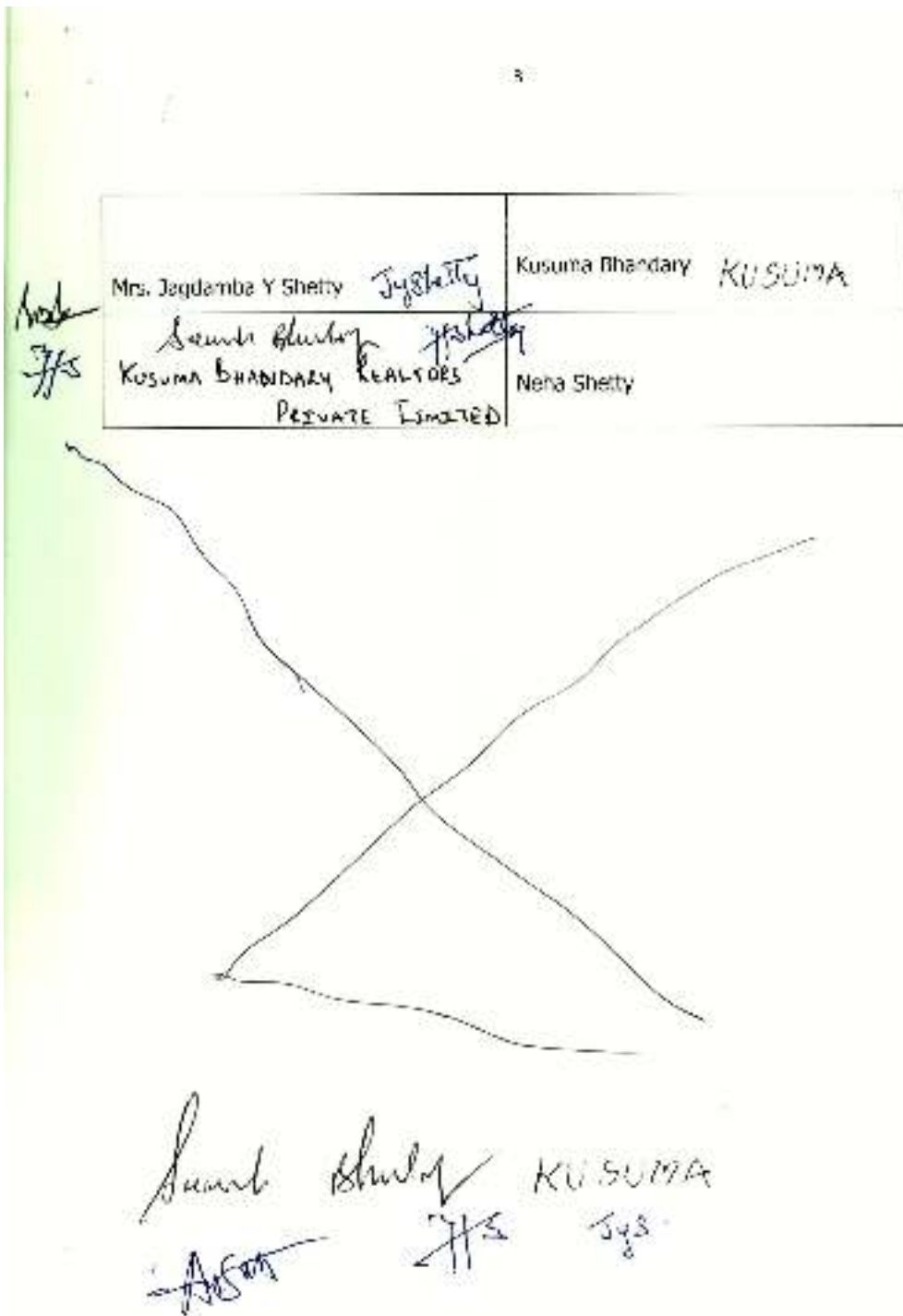
Dated this 3rd day of July, 2018.


Advocate for the Company


Advocate for the Petitioner

(Partner) Sachin Corporation		(Director) Kusuma Bhandary Developers Pvt. Ltd.	
Y.T. Shetty		(Director) Kusuma Bhandary Construction Private Limited	
Mr. Ashwin Shetty		Mr. Suresh Bhandary	

   KUSUMA IYS



4 Mr.Prathamesh Kamat, an advocate practicing in this court having his office at C/o. Mr.Rahul Narichania, Senior Advocate, 110, Yusuf Building, 1st Floor, M.G.Road, Fort, Mumbai-400 001, Mobile No.9833190164, Office Tel. No.022-22814350, Email

prathameshkamat@gmail.com, is appointed as sole arbitrator to decide on all disputes as stated in the consent terms including counter claim, if any. Mr.Kamat to make a disclosure in writing as required under Section 11(8) read with section 12(1) of the Arbitration & Conciliation Act 1996 within two weeks of receiving a copy of this order either from petitioners' advocate or respondents' advocate directly to the parties. Cost in the arbitral proceedings to be shared equally between the parties and the same will be subject matter of the award.

5 Petition accordingly stands disposed as withdrawn.

6 So far as Commercial Summary Suit No.471 of 2016, Commercial Suit No.403 of 2016, Commercial Suit (L) No.830 of 2018, counsel states that though these suits are not part of the assignment of this court, this court may take up the matter and permit the respective plaintiffs to withdraw the suit. These three suits are dismissed as withdrawn. Refund of court fees if any, in accordance with rules.

7 Mr.Sharma appearing for plaintiff in Commercial Suit (L)
No.830 of 2018 undertakes to remove all office objections
notwithstanding withdrawal of the suit and to have the suit numbered.

8 So far as Summary Suit No.227 of 2016 pending before
Bombay City Civil Court, Dindoshi, is concerned, Mr.Sasidharan
undertakes to withdraw the suit within 2 weeks after Neha Shetty
signs the present consent terms. Undertaking accepted.

(K.R.SHRIRAM,J)