

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

ARBITRATION PETITION NO.921 OF 2015

Anand Villa Co-Operative Housing
Society Limited

And Others

... Petitioners

Versus

Parinee Realty Private Limited
(erstwhile M/s Green Bird Developers
Private Limited) And Others

... Respondents

.....

Mr. Murari Madekar i/b Madekar & Co. for the Petitioners.

Mr. Harsh Behany i/b Maniar Srivastava Associates for Respondent No.1.

.....

CORAM : S.C.GUPTE, J.

DATE : 4 DECEMBER 2018

P. C. :

. This arbitration petition, under Section 9 of the Arbitration and Conciliation Act, 1996 ("Act"), seeks protective reliefs in respect of three commercial shops and four flats in the subject property. By an order dated 20 October 2015, a learned Single judge of this court disposed of this petition by issuing an injunction restraining Respondent No.1 from creating any third party right, title or interest in respect of the first floor and service floor as also basement area referred to in the order. The matter was carried in appeal before a Division Bench of this court. The Division Bench, by its order dated 3 November 2017, partly allowed the appeal. The Division Bench maintained the finding recorded by the learned Single Judge in relation to the service floor, but so far as the findings recorded in respect of the first floor and basement area were concerned, the same were

set aside and the matter was remitted to the learned single Judge for deciding these aspects afresh in the light of the submissions recorded in the order of the Division Bench. Till such time as the petition was heard, an ad-interim injunction restraining Respondent No.1 from creating third party interest in respect of the first floor and basement area of the subject property was issued. Since passing of this order, an arbitral forum has been constituted for adjudicating the disputes and differences between the parties by an order passed on an application under Section 11 of the Act. The learned arbitrator is today seized of the matter. Learned Counsel for the parties agree that this matter may be taken before the arbitral forum for interim reliefs including continuation of the ad-interim order passed by this court and which obtains as of date. Learned Counsel submit that the ad-interim order may be continued for a period of six weeks from today, so as to enable the parties to make an appropriate application before the arbitral tribunal. Accordingly, the arbitration petition is disposed of by continuing the ad-interim order passed by appeal court on 3 November 2017 for a period of six weeks from today. The parties will be at liberty to apply for such other and further reliefs including continuation of the ad-interim order passed by this court and continued for a limited period as above before the arbitral tribunal. The application shall be decided on its own merits. All rights and contentions of the parties in that behalf are kept open. No order as to costs.

(S.C. GUPTE, J.)