

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
ARBITRATION PETITION NO.674 OF 2018**

Sanjiv Muchhala & Anr. ... Petitioners
versus
Horizon Dream Homes Pvt. Ltd. And Ors. ... Respondents

Mr. M.M.Vashi, Senior Advocate with Ms. Panthi Desai I/by M/s. M.P.Vashi and Associates, for Petitioners.

Mr. Viraj Maniar with Mr. Hiral Vora with Mr. Harsh Behany I/by M/s. Maniar Srivastava Associate, for Respondent Nos.1, 2, 4 and 5.

CORAM: S.J. KATHAWALLA, J.

DATE: 20th AUGUST, 2018

P.C.:

1. Advocates Maniar Shrivastava Associates undertake to file Vakalatnama on behalf of the Respondents. The undertaking is accepted.

2. Leave is granted to join the following parties as Respondent No. 6 and 7.

6 Vinay Asu Chheda adult Indian Inhabitant Mumbai residing at 3rd Forum, Suvarana Co-op. Hsg. Soc., 4th North South Road, JVPD Scheme, Vile Parle (W), Mumbai 400 049.

...Respondent No. 6

7 Ranjan Vinay Chheda adult Indian Inhabitant Mumbai residing at 3rd Forum, Suvarana Co-op. Hsg. Soc., 4th North South Road, JVPD Scheme, Vile Parle (W), Mumbai 400 049.

...Respondent No. 7

3. Amendment to be carried out forthwith. As amendment is carried out only in the cause title, re-verification is dispensed with.

4. The Learned Advocates appearing for the parties have tendered Arbitration Agreement and Declaration of the parties stating that they have agreed to refer their disputes to arbitration. The said declaration is taken on record. In view thereof, the following order is passed, by consent :-

(i) Mr. Karl Tamboly, Advocate is appointed as the Sole Arbitrator to decide the disputes between the parties arising out of the Memorandums of Understanding dated 25th August, 2010 and the Memorandum of Understanding dated 15th November, 2010.

(ii) The disclosure of Advocate Karl Tamboly 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) (the Act) is taken on record.

(iii) Parties are at liberty to file Petition/s under Section 17 of the Act before the Learned Arbitrator and for interim / ad-interim reliefs, which the Learned Arbitrator shall endeavour to dispose of at the earliest.

(iv) The parties shall appear before the Learned Arbitrator in his Chambers on 23rd August, 2018 at 5.00 p.m. and obtain necessary directions.

(v) The Learned Arbitrator shall not grant adjournment/s to the parties unless

absolutely necessary.

- (vi) The venue of arbitration shall be at Mumbai.
- (vii) The cost of arbitration shall initially be borne by the parties equally.
- (viii) All contentions of the parties are kept open.
- (x) In view of this order, the above Arbitration Petition is disposed off.

(S.J.KATHAWALLA, J.)