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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION PETITION NO.878 OF 2018

Nehru Nagar Vijay Lenyadri C.H.S.L. ..Petitioner.
V/s.
S.D.Bhalerao Construction Pvt. Ltd. ..Respondent.

Mr.Sumit S.Kothari for the Petitioner.

Mr.Vibhav Krishna I/b. Juris Consillis for the Respondent.

CORAM: G.S.KULKARNI, J.

DATE : DECEMBER 5, 2018

P.C.:-

Heard the learned counsel for the parties. This is a petition under section 9 of the Arbitration and Conciliation Act, 1996 ('the Act' for short) whereby the Petitioner, a Co-operative Housing Society, who has entered into a Development Agreement dated April 17, 2010 with the Respondent is seeking interim reliefs, which are in the nature of interim measures pending the arbitration proceedings. The Respondent has appeared, as also reply affidavit is filed.

2. After the petition was heard for some time, the learned counsel for the parties, on instructions, are agreeable that the dispute can be referred for arbitration by a Sole Arbitrator who would adjudicate the disputes and differences between the parties. The parties also agree that the present petition under section 9 of the Act can be treated as an application under section 17 of the Act to be adjudicated by the Sole Arbitrator.

3. In view of the above consensus arrived at between the parties, the petition is being disposed of by the following order :-

O R D E R

i) Mr.Sanjay Jain, Advocate of this Court is appointed as the prospective sole Arbitrator to adjudicate the dispute and differences between the parties under the Development agreement dated April 17, 2010;

ii) The learned prospective Arbitrator, 15 days before entering a reference forward to the Prothonotary and Senior Master, a disclosure in terms under section 11(8) and 12(1) of the Arbitration and Conciliation Act, 1996 and also furnish the same to the parties;

iii) The present petition under section 9 of the Act shall be treated as an application of the Petitioner under section 17 of the Act and the pleadings in the petition shall be treated as pleadings before the learned Sole Arbitrator. The parties are at liberty to file further pleadings, if they so desire;

iv) The learned Sole Arbitrator shall make an endeavour to adjudicate the application under section 17 of the Act within a period of one month, from the filing of the statement of claim by the petitioner;

v) Office to forward a copy of this order to Mr.Sanjay Jain, Advocate;

vi) The petition is accordingly disposed of. No costs.

(G.S.KULKARNI, J.)