

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO.73 OF 2018**

Nehru Nagar Shramsafalaya Co-op. Hsg. Soc. Ltd.	...	Applicant
versus		
Kings Builder and Developers	...	Respondent

Mr. Vishal Ghosalkar, for Applicant.
Mr. Vishwajeet S. Kapse, for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 19th APRIL, 2018

P.C.:

1. On 13th April, 2018 this Court passed a detailed order, the operative portion of which is reproduced hereunder :

“(i) The Court proposes to appoint Mr. Karan Bhosale, Advocate as a sole Arbitrator to decide the disputes between the Applicant and the Respondents arising out of the Development Agreement dated 16th January, 2006.

(ii) Mr. Karan Bhosale, Advocate shall on or before 19th April, 2018 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.

ii) The Advocate for the Applicant shall forward a copy of this order to Advocate Karan Bhosale. A copy of this order shall also be forwarded by the Advocate for the Applicant to the Respondent by Speed Post A.D./Registered Post A.D. At their last known address.

iii) All concerned to act on an ordinary copy of this order, duly authenticated by the Learned Associate of this Court.

Stand over to 19th April, 2018.”

3. Today, the learned Advocate for the Respondent first submitted that there is no arbitration dispute. When he was told that the said issue will be decided by the learned Arbitrator, he states that the disputes which are sought to be referred to arbitration, forms the subject matter of a civil suit. The learned Advocate for the Applicant refutes the said submission and submits that the civil suit is filed by three members of the Society in their individual capacity and not as office bearers of the Society and adjudication of none of the issues forming the subject matter of the Civil Suit will be sought from the learned Arbitrator. The statement is accepted.

4. The learned Advocate for the Respondent states that he has gone through the disclosure submitted by the proposed Arbitrator and has no objection with regard to the same. The disclosure filed by the learned Arbitrator 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 is taken on record and the following order is passed :

(i) Mr. Karan Bhosale, Advocate, is appointed as the Sole Arbitrator to decide the disputes between the Applicant and Respondent arising out of the Development Agreement dated 16th January, 2006.

(ii) The parties and/or their Advocates shall appear before the learned Arbitrator in his Chambers on 27th April, 2018 at 5.00 p.m., and obtain necessary directions.

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

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

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

(vi) The venue of the arbitration shall be at Mumbai.

(vii) The above Arbitration Application is accordingly disposed of.

(S.J.KATHAWALLA, J.)