

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
ARBITRATION PETITION NO.977 OF 2018**

Divyapuri Co-op. Hsg. Soc. Ltd. ... Petitioner
 versus
 Tyro India and Ors. ... Respondents

Mr. M.P.Vora i/by M/s. Pramodkumar and Co., for Petitioner.
Mr. Sarosh Bharucha with Mr. Ankit Kothari, mr. Sachin R. Sharma i/by M/s. Link Legal India Law Services, for Respondents.
Mr. Virendra Sarvaiya, Respondent No.2 present.

CORAM: S.J. KATHAWALLA, J.

DATE: 29th AUGUST, 2018

P.C.:

1. Heard the learned Advocates appearing for the parties and the following order is passed by consent :

(i) Mr. Ankit Lohia, Advocate is appointed as the sole Arbitrator to decide the disputes between the parties arising out of the Redevelopment Agreement dated 21st March, 2011.

(ii) The disclosure of Mr. Ankit Lohia, Advocate 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 (3 of 2016) is taken on record.

(iii) The parties and/or their Advocates shall appear before the learned Arbitrator in his chambers, on 1st September, 2018 at 11.00 a.m. and obtain necessary

directions.

(iv) The present Petition filed under Section 9 of the Act shall be treated as a Petition under Section 17 of the Act and decided by the learned Arbitrator at the earliest.

(v) The partner of Respondent No.1 who is present in Court undertakes to pay the balance property taxes to the Corporation within a period of two weeks from today. The undertaking is accepted.

(vi) Respondent No.2 who is present in Court states that he has already applied to the Corporation for occupation certificate. However, he is awaiting response thereto. An Application is made to the SRA on 1st March, 2018 by the developer for issuance of the property card after handing over of the set back land. SLR to file its Affidavit within one week from today setting out the status of the said Application. The Petitioner will be allowed to amend the Petition or file additional affidavit if any.

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

(viii) The learned Arbitrator shall not grant adjournments to the parties unless absolutely necessary.

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

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

(xi) The venue of Arbitration shall be at Mumbai.

(xii) In view of this order, the above Arbitration Petition is disposed of.

(xiii) Though the above Arbitration Petition is disposed of, stand over to 5th September, 2018 to report compliance.

(S.J.KATHAWALLA, J.)

Swaroop
Sharad
Phadke

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by Swaroop
Sharad Phadke
Date:
2018.08.30
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