

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO.321 OF 2018

M/s Shubh Enterprises .. Applicant
vs
Prathamesh Co-op Housing Society Ltd .. Respondent

Mr.Ranjeev Carvalho with Mr.Chirag M.Gandhi
I/b Ms.Karishma Jain for Applicant
Ms.Aparna Muralidharan I.b Mr.,P.G.Lad for
-Dy.Registrar MHADA
Mr.,Rajendra Nikam Authorised Officer of Respondent no.1
present

Coram : G.S.KULKARNI, J
Date : 22ND DECEMBER, 2018

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Heard learned counsel for the applicant and learned counsel for the respondent.

2. Respondent no.2 is the Deputy Registrar who is appointed as Administrator of the respondent no.1-society by an order dated 12.10.2018.

3. On the last occasion, adjournment was sought for the respondent no.2 to take appropriate decision qua appointment of an arbitrator. It is informed that accordingly a resolution have been passed by the managing committee of the society and that respondent no.1 has no objection and disputes be referred for adjudication of an arbitrator.

4. In view of the consent of the respondent that the disputes be referred for adjudication in an arbitration, this application under section 11 (6) of the Arbitration and Conciliation Act, 1996 will be required to be allowed.

5. It is accordingly allowed by the following order :

ORDER

- (i) Ms.Pooja Patil Advocate of this Court has been appointed as an Arbitrator to adjudicate the disputes and differences between the parties under the agreement dated 22.8.2005 between the petitioner and the respondents
- (ii) The learned prospective Arbitrator fifteen days before entering the arbitration reference, shall forward a statement of disclosure as per the requirement of section 11 (8) read with section 12 (1) of the Arbitration and Conciliation Act, 1996 to the Prothonotary and Senior Master of this Court, to be placed on record of this application as also the same be furnished to both the parties.
- (iii) All contentions of the parties on merits of the matter are expressly kept open.
- (iv) The parties shall initially approach the Arbitrator on 7.1.2019 at an amicable and mutually convenient time.
- (v) Arbitration Application is disposed of in above terms. No costs.
- (vi) The learned Arbitrator shall endeavour to complete the arbitration proceedings as early as possible and in any event within the time stipulated under section 29 A of the Arbitration and Conciliation Act, 1996 without seeking any further extension.

(G.S.KULKARNI, J)