

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPEAL (LODG) NO.323 OF 2018

M/s.Kings Builders and Developers.

..Applicant

Vs.

M/s.Empire Developers & Ors.

...Respondents

Mr.Vishwajeet Kapse with Ms.Shirin Shaikh I/b. Vivek Patil & Associates,
for the Applicants.

Mr.Mehul Shah with Abhishek N.Nikarge, for Respondent Nos.1 to 3.

CORAM : G.S. KULKARNI, J.**DATE : 19^h DECEMBER, 2018**

PC:

1. This is an application under Section 11 of the Arbitration and Conciliation Act,1996. The case of the petitioner is that the disputes and differences have arisen between the parties under the Joint Venture Agreement dated 3 October 2006
2. After the matter was heard for some time, the learned Counsel for the applicant and the respondents agree that the application be disposed of in terms of the consent minutes of the order as tendered by the learned Counsel for the parties. The consent minutes of the order are initialed by the respective advocates for the parties.
3. The application is accordingly disposed of in terms of the consent

minutes of the order by appointing Mr.Cyrus Bharucha, Advocate of this Court as prospective arbitrator to adjudicate the disputes and differences between the parties under the joint venture agreement dated 3 October 2006.

4. The learned 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 with a copy to be forwarded to both the parties.

5. All contentions of the parties on merits of the disputes are expressly kept open.

6. Needless to observe that the respondents are at liberty to file counter-claim.

7. Office to forward a copy of this order to the learned Arbitrator.

[G.S. KULKARNI, J.]