

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COMPANY PETITION NO.1287 OF 2015

Tikamdas & Associates)....Petitioner
V/s.

M/s.V.Raheja Design Construction Pvt. Ltd.)....Respondent

Mr.Ashish Agarwal and Mr.Saba Sayyed i/by Prashant S.Dingrani for petitioner.

Mr.Shrikant Doijode a/w Ms.Prashne Mulla-Feroze and Mr.Saurish Shetye i/by Doijode Associates for respondent.

CORAM : K.R.SHRIRAM,J

DATE : 29.1.2018

P.C.:-

1 The petition was argued for some time and on the suggestion made by the court, Shri Agarwal for petitioner on instructions, agreed to withdraw the petition and also requested that dispute can be referred to arbitration. At this stage, the matter was stood over to post lunch session so that both the counsel can take necessary instructions from their clients, particularly, Mr.Doijode for respondent whether respondent would agree for referring the dispute to arbitration.

2 **At 3.00 P.M.**

Both the counsel informed the court that their respective clients are ready and willing for referring the dispute to arbitration.

3 In the circumstances, the following order is passed, by consent.

ORDER

- (i) Mr.Farhan P. Dubash, an advocate practicing in this court having his office at 11, Hind Rajasthan Building, 4th Floor, A.R.Allana Marg, Fort, Mumbai-400 023, Tel No.022-65657890, Mobile No.9820506685, Email-farhandubash@gmail.com, is appointed as sole arbitrator to arbitrate on dispute arising out of or in connection with the subject matter of the petition including counter claim if any,
- (ii) The arbitrator, within 3 weeks of receiving a copy of this order either from petitioner or respondent, shall file directly with the advocate representing the parties, disclosure in writing as required under Section 11(8) read with section 12(1) of the Arbitration & Conciliation Act 1996 ;
- (iii) The fees, administrative expenses, typing charges, and venue charges if any, shall be shared equally between the parties and the same will be cost in the arbitral proceeding ;

- (iv) All rights and contentions of both the parties are kept open including respondent's contention of arbitrability ;
- (v) Petition accordingly, dismissed as withdrawn.

4 It is clarified that this court has not expressed any views on the merits of the matter.

(K.R.SHRIRAM,J)