

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
ARBITRATION PETITION (L) NO.1199 OF 2018**

Pravin Dharamchand Jain	...	Petitioner
versus		
Bhurji Developers LLP	...	Respondent

Mr. Gautam Ankhad with Mr. Sunny Shah, Mr. Viral Shukla, Ms. Priti Patel, Ms. Rohina Shaikh, Mr. Darshan Ashar I/by M/s. Shukla and Associates, for Petitioner.
Mr. Farhan Dubash with Mr. Navin Bhatia, Mr. Rahul Jain I/by M/s. Mahimtura and Co., for Respondent.

CORAM: S.J. KATHAWALLA, J.
DATE: 25th OCTOBER, 2018

P.C.:

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

(i) Mr. Shyam Kapadia, Advocate is appointed as the sole Arbitrator to decide the disputes between the parties arising out of the Development Agreement dated 31st December, 2013 read with the Memorandum of Understanding dated 9th February 2015.

(ii) The disclosure of Mr. Shyam Kapadia, 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 27th October, 2018 at 11.00 p.m. and obtain necessary directions.

(iv) The present Petition filed under Section 9 of the Act shall be treated as an Application under Section 17 of the Act and decided by the learned Arbitrator within a period of four weeks from today.

(v) The parties shall for a period of four weeks from today not create any third party rights in respect of the suit property and/or any construction carried out thereon. The third party rights already created by the Respondent have been disclosed on RERA Website.

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

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

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

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

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

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

(S.J.KATHAWALLA, J.)