

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

ARBITRATION PETITION NO.1824 OF 2015

|                                  |     |             |
|----------------------------------|-----|-------------|
| Yashraj Mahendra Gala            | ... | Petitioner  |
| Versus                           |     |             |
| Parag Jayantilal Shah And Others | ... | Respondents |

Mr. Vivek Kantawala a/w Mr. Amey Patil I/b Vivek Kantawala & Co. for the Petitioner.

Mr. Gaurav Joshi, Sr. Advocate a/w Mr. Piyush Raheja I/b Mr. Y.N. Adhia for Respondent Nos.1, 2 and 6.

Mr. Ajay Panicker a/w Mr. Amit Kukri I/b Ajay Law Associates for Respondent No.3.

Mr. Mahendra Ghelani I/b Omkar M. Kulkarni for Respondent Nos.4 and 5.

**CORAM : S.C.GUPTE, J.**  
**DATE : 4 DECEMBER 2018**

**P. C. :**

. After the matter is heard at some length, it is agreed between learned Counsel for all parties that the disputes and differences referred to in the present petition can be referred to an arbitral forum and even the subject matter of the present petition, filed under Section 9 of the Arbitration and Conciliation Act, 1996 ("Act"), may properly go before the arbitral forum under Section 17 of the Act. In the meantime, Mr. Ghelani, learned Counsel appearing for Respondent Nos.4 and 5 agrees to furnish the accounts of Financial Years 2015-16, 2016-17 and 2017-18 along with the bank statements for the years in question to the Petitioner. Learned Counsel states that true copies of the accounts shall be furnished and the Petitioner will be given inspection of all bank statements for the relevant period. Learned Counsel states that this will be done in a week's time. Learned Counsel also states that in case copies of bank statements are sought for any particular period by the Petitioner, the same will also be

furnished to him. The statements are accepted. By consent of the parties, **Mr. Satish Shah**, Advocate, is appointed as a Sole Arbitrator to adjudicate the disputes and differences between the parties. The Petitioner will be at liberty to apply for a suitable relief before the learned arbitrator under Section 17 of the Act and for that purpose, the proceedings of the present petition shall be treated as pleadings of the parties. The parties will, however, be at liberty to supplement these by filing such further pleadings and documents as they may choose to. The Petitioner will also be at liberty to amend the prayers of the present petition.

2 All rights and contentions of the parties on merits, including the Respondents' case on limitation, are kept open.

3 The petition is disposed of in the above terms. No order as to costs.

**(S.C. GUPTE, J.)**