

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Appeal from Order (ST) No.11387/2019
with
Civil Application (ST) No. 11389/2019

M/s. F. A. Reactor Appellant
Through its proprietor
Aslam Abdul Rehman Patni

Vs.

Anuvidnyan Nagar Co-operative
Housing Society Ltd. Respondent

Mr. R. A. Torat, Senior Advocate i/b. Ms. Pratibha Shelke for the
Appellant
Mr. Aditya Tahkkar with Mr. Deepak Shukla i/b. Ms. Vinod
Minstry & Co. for the Respondent

CORAM : K.K.TATED, J.
DATED : MAY 3, 2019

P.C.

Heard. Both the counsel tendered consent minutes of
order dated 02.05.2019. Same are taken on record and marked
“X” for identification, which read thus:

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER (St.) NO. 11387 OF 2019**

DISTRICT: Mumbai

*M/s. F. A. Reactor
Through its proprietor
Aslam Abdul Rehman Patni
Having its office at 12,
Dongri Cross Lane, Mumbai- 400 009. ...Appellant
V/s*

*Anuvidhyan Nagar Co-operative
Housing Society Ltd.
A Co-operative Housing Society duly
Registered under the provisions of
Maharashtra Co-operative Societies Act, 1960,
Having its registered office at
Survey No. 141, CTS No. 178(pt.),
Agarwadi, Mankhurd, Trombay,
Mumbai- 400 088.*

...Respondent

MINUTES OF ORDER

1. *The Appellant has preferred S.C. Suit No. 844 of 2019, which is pending before the Bombay City Civil Court at Bombay.*
2. *The Respondent has filed an Application under Section 8 read with section 5 of Arbitration and Conciliation Act in the said suit by placing reliance on clause 32 of the MOU dated 05.01.2008.*
3. *The Appellant having preferred the present Appeal from Order (St.) NO. 11387 OF 2019 from the Order dated 03.04.2019 agrees that the suit be referred to Arbitration.*
4. *Hence, without prejudice to the rights and contentions of both parties, parties hereby agree to appoint Mr. Naushad Engineer, Advocate High Court as a sole Arbitrator to resolve the dispute arose under General Power of Attorney dated 25.11.2007 which was duly registered on 12.02.2008 AND Memorandum of Understanding dated 05.01.2008 between the parties to the present Appeal.*
5. *That the parties to the present Appeal have taken disclosure in writing from Mr. Naushad Engineer, Advocate High Court as required which is annexed and marked as **Annexure "A"** hereto.*
6. *Hence, by consent of the parties Mr. Naushad Engineer, Advocate High Court is appointed as a sole Arbitrator to resolve the dispute arose under General Power of Attorney dated 25.11.2007 which was duly registered on 12.02.2008 AND Memorandum of Understanding dated 05.01.2008 between the parties to the present Appeal.*

7. *In view thereof, present Appeal from Order and Suit No. 844 of 2019 pending in the City Civil Court is disposed off with liberty to file Claim and or Counter Claim before the Learned Sole Arbitrator.*

8. *With No Order as to costs.*

Dated this 2nd Day of May 2019

Advocate for the Appellant

Advocate for the Respondent

2 The Appeal from Order as well as the Civil Application stand disposed of in terms of the consent minutes of order. No order as to costs.

3 Parties to act on an authenticated copy of this order.

(K.K.TATED, J.)