

vks

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

ARBITRATION APPLICATION NO.65 OF 2019

Sadashiv A. Mahajan ... Applicant.

V/s.

Millennium Developer ... Respondents

Ms. Garima Randhawa h/f Rupali R. Sawant, for the
Applicant.

Ms. Shabana F. Sothe, for respondent

CORAM : G. S. KULKARNI, J.

DATE : 27th MARCH, 2019.

P.C. :

1] Heard learned counsel for the applicant and learned counsel for the respondent.

2] This application is filed under section 11 of the Arbitration and Conciliation, 1996 (for short, "ACA"), whereby the applicant has prayed for appointment of arbitrator to adjudicate the disputes and differences between the parties which are stated to be have arisen under the Memorandum of Understandings (MOU) as entered between the parties which pertain to the purchase of flat and redevelopment project of the Taluka Nagar Radha Madhav CHS Ltd. It is not in dispute that there is an arbitration agreement between the parties. It is also not in dispute that the applicant has invoked arbitration agreement.

3] Respondent has appeared. Learned counsel for the respondent would state that the respondent has no objection if the disputes between the applicants and the respondent is referred for adjudication of the arbitral tribunal. It is pointed out that by an order passed by this Court in Chamber Summons No.690 of 2017 in Suit No.855 of 2015, arbitral tribunal is already appointed by this Court, to adjudicate the dispute between the society and the respondent. It is submitted that the issues involved in this petition are also similar nature.

4] In view of the consensus between the parties, the application would be required to be disposed of. Hence, the following order.

Order

i] Mr.Aditya Mehta, Advocate, of this Court, is appointed as the prospective sole Arbitrator to adjudicate the disputes and differences between the parties, arising under the MOUs/agreements, in regard to purchase of flats in the redevelopment project Tilak Nagar Radha Madhav CHS Ltd.

ii] The prospective sole arbitrator, fifteen days before entering the arbitration reference, shall forward a statement of disclosure as per the provisions of Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996, to the Prothonotary & Senior Master of this Court, to be placed on record of this application with a copy to be forwarded to both the parties;

iii) At the first instance, the parties shall appear before the prospective arbitrator within 15 days from today at a date and time as may be fixed by the prospective arbitrator.

iv) All contentions of the parties including on the merits of the matter are expressly kept open.

(v) The Arbitration petition is disposed of in the above terms. No costs.

3. Office to forward a copy of this order to the learned Arbitrator on the following address:

Chamber of Mr. D.J. Khambata, Senior Advocate
3rd floor, Mulla House,
51, M. G. Road, Mumbai 400 001.

Phone No.66541576177
Mobile No. 9619290824.

[G. S. KULKARNI, J]