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

**COMMERCIAL ARBITRATION PETITION (L) NO.190 OF 2019
WITH
CHAMBER SUMMONS NO.400 OF 2019
IN
COMMERCIAL ARBITRATION PETITION (L) NO.190 OF 2019**

M/s Yog Realty ... Petitioner.
V/s.
Shree Bhaveshwar Workers C-operative
Society and ors ... Respondents

- Mr. Ashish Kamat a/w Mr. Dhiren H. Shah, Mr. Somil Gada i/by Dhiren H. Shah, for the Petitioner.
- Mr. Mayur Khandeparkar a/w Mr. Ankur Shah i/by Manish Gala, for respondent No.1.
- Mr. Kunal Mehta a/w Ms. Vidya Nair, i/by Sheela Mistry, for respondent Nos. 2 & 3.

CORAM : G. S. KULKARNI, J.

DATE : 18th MARCH, 2019.

P.C. :

1] Heard Mr. Ashish Kamat, learned counsel for the petitioner, Mr. Mayur Khandeparkar, learned counsel for the respondent No.1 and Ms. Vidya Nair, learned counsel for respondent Nos. 2 & 3.

2] By this petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (for short, "ACA"), the petitioner seeks interim relief pending the arbitration proceeding. This Court on 12th March, 2019 heard

this petition and thereafter today.

3] After the learned counsel for the parties argued this petition for some time, considering the facts and circumstances of the case, learned counsel for the parties, on instructions, are agreeable that disputes and differences between the parties can be referred for arbitration by appointing sole arbitrator.

4] It is also agreed between the parties that this petition under Section 9 of the ACA, be treated as an application under Section 17 of the ACA, to be decided by the learned Arbitrator as expeditiously as possible, in view of the urgency as urged on behalf of the parties. The petition is disposed of by following order:-

Order

i] Mr Harish Pandya, Advocate of this Court, is appointed as the sole prospective Arbitrator to adjudicate the disputes and differences between the parties, arising under the agreement dated 16th October, 2012.

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 petition with a copy to be forwarded to both the parties;

iii] This petition alongwith the pleadings filed under Section 9 of the ACA is permitted to be treated as Application under Section

17 of ACA, to be decided by the arbitral tribunal.

iv] The arbitral Tribunal shall endeavour to adjudicate application under Section 17 of the ACA as expeditiously as possible preferably within a period of three months from the date of entering into reference;

v] At the first instance, the parties shall appear before the prospective arbitrator within 10 days from today at a date and time as may be fixed by the prospective arbitrator;

(vi) All contentions of the parties are expressly kept open.

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

5] Office to forward a copy of this order to the learned Arbitrator on the following address.

B.704, Nirman Residency CHS Ltd.
R.J. Road, Pump House,
Andheri (E) Mumbai 400 093.
Mobile No.9821153409

6] In the meantime, the parties are directed to maintain status quo.

7] Mr. Khandeparkar, learned counsel for the respondent No.,1 on instructions, would submit that in the intervening period, till this section 17 Application is decided, respondent No.1 shall seek adjournment of the

proceeding before the RERA authorities.

8] Respondent Nos. 2 & 3 have also agreed to join the arbitral proceedings.

[G. S. KULKARNI, J]