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

COMMERCIAL ARBITRATION APPLICATION (L) NO.123 OF 2019

Western Habitat ... Application

V/s.

Truly Creative Developers Pvt.

Ltd and anr ... Respondents

- Mr. Mayur Khandeparkar a/w Ms. Rati Lodha, Mr. Piyush Khandelwal i/by Lodha Legal, for the Applicant.
- Mr. G. N. Salunke i/by Umesh Kurund, for respondent No.1.
- Ms. Manjiri S. Chitnis, Ms. Madhura Kulkarni i/by Chitnis & Co., for respondent No.2.

CORAM : G. S. KULKARNI, J.

DATE : 4th APRIL, 2019.

P.C. :

1] Heard Mr. Khandeparkar, learned counsel for the applicant, Mr. G. N. Salunke, for respondent No.1 and Mr. Rajiv Singh, for respondent No.2.

2] This application is filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, "ACA"), whereby the applicant has prayed for appointment of an arbitral tribunal to adjudicate the disputes which are stated to have

arisen between the applicant and the respondent under the development agreement dated 31st December, 2014. After this application was heard for some time, learned counsel for respondent, on instructions, submits that his client is agreeable for appointment of arbitral tribunal.

3] In view of consensus between the parties, this application is required to be disposed of by the following order.

Order

i] Mr. Justice S. J. Vazifdar, Former Chief Justice of the Punjab and Haryana High Court, is appointed as the prospective sole Arbitrator to adjudicate the disputes and differences between the parties, arising under the development agreement dated 31st December, 2014.

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 these applications with a copy to be forwarded to both the parties;

iii) 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.

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

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

4] Office to forward a copy of this order to the learned Arbitrator on the following address:

24 Maison Belvedere,
107 Maharshi Karve Road,
Mumbai 400 020.

Natwar Chambers, (2nd floor)
94, Nagindas Master Road,
Mumbai 400 023.

Mobile No.9820102088.

[G. S. KULKARNI, J]