

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

ARBITRATION PETITION NO.687 OF 2019

The Bank of Baroda Employees
Chandralekha Coop. Housing
Society Ltd.

.. Petitioner

Versus

M/s. Sakash Developers Pvt. Ltd.

.. Respondents

Mr. Tejas Kishor Sanghrajka and Kayval P. Shah for petitioner
Dr. Birendra Saraf with Vaibhav Charalwar I/b. Kunal Bhange for
respondents.

CORAM : G.S.KULKARNI, J.

DATE : 10th June 2019.

P.C.

Dr. Saraf, learned Counsel for respondents submits that the first building is almost complete and within eight weeks from today application for part O.C. Will be made. Statement is accepted. Dr. Saraf has further submitted that the rent payable for July 2019 would be paid on or before 10th of July 2019 and for the subsequent months it would be paid on or before 10th of each month. In respect of arrears of rent, Dr. Saraf submits that there are some disputes and parties would endeavour to resolve the same by

approaching a sole arbitrator. Learned Counsel for the petitioner on instructions of his client, is also not averse to this course of action.

2] Dr. Saraf further submitted that construction of second building is in progress and C.C. Is received upto 10th floor and the construction would be completed by December 2019. Statement is accepted.

3] In view of the above statements made by Dr. Saraf, learned Counsel for the respondents, further adjudication of this petition is not called for.

4] At this stage the learned Counsel for parties state that the parties are agreeable that the disputes between the parties on arrears of rent be referred to arbitration by appointing a sole arbitrator.

5] In view of the above consensus between the parties, Mr. Ankit Lohia learned Advocate of this Court is appointed as Arbitrator to adjudicate the disputes in relation to the arrears of rent payable.

6] The learned Sole Arbitrator, fifteen days before entering the arbitration reference, shall forward a statement of disclosure as per the requirement 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.

7] The fees payable to the Arbitral Tribunal shall be as prescribed under the Bombay High Court (Fees Payable to Arbitrators) Rules, 2018;

8] At the first instance, the parties shall appear before the learned sole arbitrator within ten days from today, on a date which may be mutually fixed by the sole arbitrator;

9] All contentions of the parties on merits of the matter are expressly kept open;

10] The application is disposed of in the above terms. No costs.

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

Mr. Ankit A. Lohiya,
Advocate,
105, First floor, Prospect Chambers,
D.N.Road, Fort, Mumbai 400 001

(G.S.KULKARNI, J.)