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

COMMERCIAL ARBITRATION PETITION NO.883 OF 2018

K. R. Construction Partner	...	Petitioner
V/s.		
Takshil Infraprojects Pvt. Ltd.	...	Respondents
and 2 ors		

ALONGWITH

COMMERCIAL ARBITRATION PETITION NO.881 OF 2018

K. R. Construction Partner	...	Petitioner
V/s.		
M/s Reinvent Lifestyles Pvt.Ltd.	...	Respondents
and 2 ors		

ALONGWITH

COMMERCIAL ARBITRATION PETITION NO.886 OF 2018

K. R. Construction Partner	...	Petitioner
V/s.		
M/s Western Urban Infrastructure Pvt. Ltd.	...	Respondent

Mr. Karl Shroff a/w N. M. Bhatt i/by M.V. Law Partners, for
the Petitioners.

Mr. Chirag Modi i/by Chinmay Acharya, for respondent

CORAM : G. S. KULKARNI, J.

DATE : 27th MARCH, 2019.

P.C. :

1] Heard Mr. Karl Shroff, learned counsel for the petitioners and Mr. Chirag Modi, learned counsel for the respondents.

2] These petitions are filed under section 9 of the Arbitration and Conciliation act, 1996 (for short, “ACA”).

3] The case of the petitioners is that the disputes and differences have arisen between the parties under the subcontract dated 26th February 2014, which is entered between J. Kumar KR, JV, of which the petitioner M/s K.R. Construction is Partner and the respondent.

4} Learned counsel for the parties have fairly pointed out that apart from the sub-contract agreement dated 26th February, 2014, there was another sub-contract dated 1.3.2014 and the disputes and differences as arisen between the parties under subsequent sub contract are already referred to an arbitral tribunal for adjudication.

5] Learned counsel for the parties would not dispute that the disputes and differences under the said contract dated 26th February, 2014 be also referred to the same arbitral tribunal. The parties are also agreeable

that these petitions filed under Section 9 be permitted to be treated as Applications under section 17 of the ACA, to be adjudicated by the arbitral tribunal. In view of the consensus between the parties, the following order.

Order

i] Mr Piyush Raheja, Advocate, is appointed as the prospective sole Arbitrator to adjudicate the disputes and differences between the parties, arising under the subcontract dated 26th February, 2014;

ii] The petitioners in these petitions are permitted to convert Commercial Arbitration Petitions filed under Section 9 of the ACA as Applications under Section 17 of the ACA, to be adjudicated by the arbitral tribunal;

iii] The Respondents are permitted to file their replies to Section 17 Applications;

iv] Section 17 applications be decided by the arbitral tribunal as expeditiously as possible and preferably within a period of 8 weeks from the filing of the said applications;

v] The petitioner is also permitted to file additional affidavit to bring further facts on record;

vi] 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;

vii) 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;

(viii) All contentions of the parties are expressly kept open;

(ix) The Arbitration petitions are 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:

Office No.17, 2nd floor, P
Parekh Vora Chambers,
66 Nagindas Master Road
Opp. The Obrama,
Fort, Mumbai 400 001.

[G. S. KULKARNI, J]