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

COMMERCIAL ARBITRATION PETITION NO.1130 OF 2018

Lalit Kumar Shah	..Petitioner
Vs.	
Bellissimo Crown Buildmart Pvt. Ltd.	..Respondent

Mr.Swanand Ganoo with Mr.Aekaanth Nair i/b. M/s.K. Ashar & Co. for
Petitioner.

Mr.Rohaam Cama i/b. Mr.Akshay Pare for Respondent.

CORAM : G.S. KULKARNI, J.

DATE : 26th APRIL, 2019

P.C.:

1. Heard learned Counsel for the parties.
2. This is a petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (for short, "the ACA") whereby the petitioner has prayed for interim reliefs pending the adjudication of the disputes by the arbitral tribunal which have arisen under the Application Form dated 15 April 2013.
3. After this petition was heard for sometime, learned Counsel for the petitioner has drawn my attention to the communication dated 2 April 2019 made on behalf of the respondent (Exhibit 2, page 178 of the

paper-book) informing the petitioner that Mr.Kamal Khata, Advocate of this Court is proposed to be appointed as a sole arbitrator to adjudicate the disputes between the parties.

4. Learned Counsel for the petitioner on instructions would submit that his client would be agreeable for arbitration by the arbitrator so nominated by the respondent. He also submits that his client intends to file a proper Section 17 application praying for interim reliefs pending the arbitral proceedings.

5. Mr.Cama, learned Counsel for the respondent on instructions obviously has no objection to the disputes being referred for adjudication to the proposed arbitrator as suggested by the respondent. In view of this consensus, the adjudication of the petition is not called for, and the same can be disposed of by the following order:-

ORDER

(i) Mr.Kamal Khata, Advocate of this Court, is appointed as a prospective sole Arbitrator to adjudicate the disputes and differences between the parties which are stated to have arisen under the Application Form dated 15 April 2013.

(ii) The learned prospective sole arbitrator, ten 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 this petition 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 on a date which may be mutually fixed by the prospective sole arbitrator;

(iv) The petitioner is at liberty to file Section 17 application and move the arbitral tribunal for ad-interim and/or interim reliefs. The arbitral tribunal shall endeavour to consider and dispose of Section 17 application as expeditiously as possible and preferably within a period of six weeks from filing of the said application.

(v) All contentions of the parties including on merits of the disputes are expressly kept open;

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

(vii) Office to forward a copy of this order to the learned Arbitrator on the following address:

“29, Rustom Building, 3rd Floor, Veer Nariman Road, Fort, Mumbai – 400 023. Contact No.9820088706.”

[G.S. KULKARNI, J.]