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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO.49 OF 2019**

Sneha Co-operative Hsg. Soc. Ltd.	..Applicant
Vs.	
Sterling Constructions & Ors.	..Respondents

Mr.Tejesh Dande for Applicant.
Ms.Nikita Panse i/b. Veritas Legal for Respondent Nos.1 to 3.

**CORAM : G.S. KULKARNI, J.
DATE : 19th MARCH, 2019**

P.C.:

Heard learned Counsel for the applicant and learned Counsel for the respondents.

2. This is an application filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, “the ACA”) whereby the applicant has prayed for appointment of an arbitrator to adjudicate the disputes and differences between the parties which are stated to have arisen under the Development Agreement dated 19 October 2007 (Exhibit-A to the petition).

3. There is no dispute in regard to the existence of an arbitration agreement which is contained in clause No.25 of the arbitration agreement. There is also no dispute on the invocation of the arbitration agreement by a letter dated 16 February 2018 of the Advocate for the applicant whereby the respondents were called upon to appoint an arbitrator to adjudicate the disputes between the parties. As there was no concurrence on the part of respondents, the present application has been filed.

4. After the application was heard for sometime, learned Counsel for the respondents on instructions of her client respondent No.2 Mr.Sameer Khan, who is present in the Court has fairly agreed that the disputes between the parties be referred for arbitration.

5. In view of the above consensus between the parties, the application is required to be allowed. Hence, the following order:-

ORDER

- (i) Ms. Mamta Sadh, Advocate of this Court, is appointed as a sole Arbitrator to arbitrate the disputes and differences between the parties under the Development Agreement dated 19 October 2007;
- (ii) The learned prospective 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 this application 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) All contentions of the parties on merits of the matter are expressly kept open;
- (v) The application is disposed of in the above terms. No costs.
- (vi) Office to forward a copy of this order to the learned Arbitrator on the following address:

address: Office No.15, First Floor, 32 Rajabahadur Mansion,
Ambalal Doshi Marg, Mumbai – 400 023.
Contact No. 9821211223 / 23829797

[G.S. KULKARNI, J.]