

COMMERCIAL ARBITRATION PETITION NO.570 OF 2019

Vs.

WITH

ARBITRATION APPLICATION NO.208 OF 2019

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Mr. Mayur Khandeparkar I/b. Mr. Mehul Shah for petitioner and applicant.
Mr. Mustafa Doctor, Senior Advocate a/w. Mr. Nimay Dave, Mr. Anosh Sequira, Ms. Prachi Dave, Mr. Dhaval Vussonji and Mr. Bankim Gangar I/b. Dhaval Vussonji and Associates for respondent no.2.
Dr. Birendra Saraf a/w. Ms. Aakanksha Saxena and Mr. Aman Kacheria I/b. Rashmikanth and Partners for respondent no.3.

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DATE : 26th JULY 2019

P.C.:

2 Mr. Khandeparkar states that the Court may appoint any person
the Court thinks fit as the sole Arbitrator and petitioner will make the
application, which is filed here under Section 9, as a Section 17 application.
Mr. Khandeparkar requests that the Section 9 petition be transferred to the

Arbitrator, who can hear it under Section 17. Dr. Saraf and Mr. Doctor do not have any objection.

3 Therefore, Mr. Justice J.P. Devadhar, former Judge of this Court, is appointed as sole Arbitrator to hear all disputes relating to or arising out of or connected to the partnership agreement/deed dated 1st April 1994 including counter claim, if any.

4 The fees and administrative expenses of the Arbitrator shall be shared equally by the three groups represented by Mr. Khandeparkar, Dr. Saraf and Mr. Doctor and the same shall be costs in the arbitral proceedings.

5 Parties are at liberty to file further affidavits/ applications/replies, etc. before the learned Arbitrator.

6 Commercial Arbitration Petition no.1257 of 2018 be also transferred to the learned Arbitrator, who shall hear the same under Section 17 of the said Act.

7 The Arbitrator shall file the disclosure in writing as required under Section 11 (8) read with Section 12 (1) of the said Act directly with the parties.

8 The ad-interim orders passed shall continue pending the two Section 17 applications.

9 All rights and contentions of the parties are kept open. Parties shall not raise any dispute or question the power of the Arbitrator to arbitrate on the disputes referred to him.

10 Commercial Arbitration Petition no.570 of 2019, Arbitration Application No.208 of 2019 and Commercial Arbitration Petition No.1257 of 2018 stand disposed.

(K.R. SHRIRAM, J.)