

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION PETITION NO.377 OF 2021**

Morley Nishit Patel

....Petitioner

V/s.

Arshad Navroz Tejani & Ors

...Respondents

Mr. Rahul Moghe a/w. Mr. Dhruva Gandhi and Ms. Smruti Kanade i/b. Negandhi Shah and Himayatullah for petitioner.

Mr. Rahul Sarda a/w. Mr. Guru Shanmugam i/b. M & M Legal Ventures for respondent nos. 1 and 2.

Mr. Aiqan Z. Memon for respondent no. 3.

CORAM : K.R. SHRIRAM, J.

DATED : 29th JULY 2021

P.C. :

1 Mr. Memon undertakes to file vakalatnama on behalf of respondent no.3.

2 All counsel state that court can appoint any advocate as an arbitrator and this petition can be heard further by the sole arbitrator as an application under Section 17. In the meanwhile, statement of respondent nos.1 and 2 recorded on 28th June 2021 read with order dated 23rd July 2021 be continued until further orders. Mr. Memon for respondent no.3 states that respondent no.3 has not created any encumbrance or third-party rights regarding the properties described at page 6 of the petition and respondent no.3 will not create any third party right until further orders of the sole arbitrator to be appointed by the court.

3 By consent, Mr. Amrut Joshi, an advocate practising in this court

(Mobile :- 9004200707, Email:- amorjos@gmail.com) is appointed as sole Arbitrator to arbitrate on all disputes arising out of and/or in connection with and/or relating to Loan Agreement dated 17th March 2017 and counter claim, if any.

4 The fees and expenses of the Arbitrator to be shared equally between the parties and the same will be costs in the arbitral proceedings. Arbitrator to decide the procedure in consultation with the parties.

5 For the sake of expediency, Learned Arbitrator shall make disclosure in writing under Section 11 (8) read with Section 12 (1) of the Arbitration and Conciliation Act, 1996 directly to the parties. Petitioner shall file a copy thereof in the Registry within two weeks of receiving the same.

6 Liberty to apply if the arbitrator expresses inability to accept the reference.

7 All rights and contentions of the parties are kept open.

8 Petitioner to file a copy of Section 9 petition and the reply and rejoinder before the Learned Arbitrator, who shall consider the same as an application under Section 17. Learned Arbitrator may permit further pleadings in the Section 17 application.

9 Petition accordingly stands disposed.

(K.R. SHRIRAM, J.)