

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION PETITION NO. 368 OF 2021
ALONGWITH
COMMERCIAL ARBITRATION APPLICATION NO. 119 OF 2021**

Lalit Kapurchand Doshi and Ors.

....Petitioners

V/s.

Raj Arcade Pvt. Ltd. and Ors.

....Respondents

Mr. Jarin Doshi i/b Malvi Ranchoddas and Co. for Petitioner.

Mr. Dilip H. Shukla for Respondent No. 1.

Mr. Atishay Jain for Respondent No. 2.

CORAM : K.R.SHRIRAM, J.

DATED : 8th JULY 2021

P.C. :

1. Mr. Shukla undertakes to file vakalatnama on behalf of Respondent No.1. Undertaking accepted.

2. When Section 9 petition was taken up for hearing, the court suggested that court would appoint an Arbitrator, in view of Section 11 application pending and petitioners may move the arbitrator under Section 17 for the reliefs as prayed in this petition filed for reliefs under Section 9 of the Arbitration and Conciliation Act, 1996 (the Act). Mr. Doshi and Mr.Shukla state that arbitration agreement is only between petitioner and respondent no.1 and both jointly requested the court to appoint a Sole Arbitrator.

3. The court suggested three names and both counsels agreed to appoint Mr. Justice R.G. Ketkar (Retired), former Judge of this court, to arbitrate on all disputes arising out of and/or in connection with and/or relating to Development Agreement dated 2nd December 2009 between petitioner and respondent no.1 and 2 who are parties to the agreement.

4. Accordingly, Mr. R.G. Ketkar (Retired) former Judge of this court (Address : i) Flat No. B1, Anjali Apartment, Pandit Wadi, Off. Bhavani Shankar Road, Dadar (W), Mumbai - 400 028, ii) 202, Dalamal Chambers, New Marine Lines, Mumbai- 400 020, Mobile No.: 9821116740, Email ID : rgketkar1@gmail.com) is appointed as Sole Arbitrator.

5. The fees of the learned Arbitrator together with administrative expenses and out of pocket expenses to be shared equally between the parties and the same will be costs in the arbitral proceedings.

6. Learned Arbitrator to give disclosure in writing as required under Section 11 (8) read with Section 12 (1) of the Arbitration and Conciliation Act, 1996 directly to the parties within two weeks of receiving a copy of this order from any of the parties.

7. Petitioner to file a copy of this petition before the Sole Arbitrator who shall hear the same as an application under Section 17 of the Act. Respondent No.1 may file reply to the application directly before the learned Arbitrator. All rights and contentions are kept open except arbitrability of disputes and the question of jurisdiction of the learned arbitrator.

8. Petition accordingly stands disposed.

9. Liberty to apply in case Mr. Justice R.G. Ketkar (Retired) expresses his inability to accept the reference.

(K.R. SHRIRAM, J.)