

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****ARBITRATION PETITION NO. 244 OF 2021****ALONGWITH****CONTEMPT PETITION NO. 15 OF 2020****IN****ARBITRATION PETITION NO. 380 OF 2018**

Himbindu Co.operative Society Ltd.

....Petitioner

V/s.

Jitendra Shankerlal Brahmbhatt
Sole Proprietor of M/s. Sahajanand
Developers

....Respondent

Mr. Ajay Panicker i/b Ajay LAw Associates for Petitioner.
Ms. Pooja Kshirsagar and Mr. Laxman Jain i/b Yogesh Adhia for
Respondent.

CORAM : K.R.SHRIRAM, J.**DATED : 23rd JULY 2021****P.C. :**

1. Ms. Kshirsagar states that respondent has filed affidavit of compliance affirmed on 22/07/2021 recording therein the compliance with the order dated 08/07/2021. Mr. Panicker states that the order has been complied with. The parties agreed to refer the dispute to the Arbitrator.

2. Ms. Kshirsagar states that respondent shall also provide to petitioner advocate, list of flats unsold in the project which is the subject

matter of this arbitration petition within one week from today. Statement accepted as an undertaking to this court.

3. Mr. Panicker and Ms. Kshirsagar jointly request that the court will appoint Mr. Aseem Naphade (Address : 31, Shanti Building, 3rd Floor, Banaji Street, Fort, Mumbai – 400 001, Mobile No.: 9920030695, E-mail id : aseem1112@gmail.com) an Advocate practicing in this court as Sole Arbitrator to arbitrate on all disputes arising out of and/or in connection with and/or relating to the Redevelopment Agreement dated 20/06/2006 with Supplementary Agreement dated 18/10/2007 read with second Supplementary Agreement dated 23/08/2015 and counter claim, if any.

4. 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.

5. Learned counsel agreed, with the intention of saving time and for sake of expediency, either of the party will forward a copy of this order to the learned Arbitrator and the learned Arbitrator to give declaration as required under Section 11 (8) read with Section 12 (1) of the Arbitration and Conciliation Act, 1996 directly to the parties. Once received, a copy of the same will be filed by petitioner in the court to be placed alongwith the Record and Proceedings of this application. If the learned Arbitrator

expresses his inability to accept the reference to the parties before entering into reference, parties are at liberty to approach the court for appointment of substitute Arbitrator.

6. Copy of the petition filed herein and the reply be filed before the learned Arbitrator to consider the same as an application under Section 17 of the Act. Learned Arbitrator shall endeavour to dispose of the application within six weeks from today. If the parties wish to file any further pleadings in this application, they may apply to the Arbitrator who shall take suitable decision.

7. Petition accordingly stands disposed.

8. In view of the above, Contempt Petition No. 15 of 2020 also stands disposed.

(K.R. SHRIRAM, J.)