

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

ARBITRATION PETITION NO. 101 OF 2021

Jeevantara Co-operative Housing
Society Ltd.

...Petitioner

V/S

Mr. Hemchandra Vaidya

...Respondent

Mr. Joshi Jayesh Madhav for Petitioner.

Mr. Saurabh Oka for Respondent.

CORAM : R. I. CHAGLA, J.

DATED : 13th JUNE, 2022.

P.C.

1. Heard learned counsel for the respective parties.
2. By this Arbitration Petition, the Petitioner is seeking an appointment of an Arbitrator for reference the disputes between the Petitioner and the Respondent in terms of Arbitration clause 29 contained in Development Agreement (Principal Agreement) dated 30th July 2010.
3. The Respondent has not disputed that there is an Arbitration Agreement. The invocation of Arbitration was on 16th May 2021, by the Advocates for the Petitioner. This was responded to by the Advocates for the Respondent on 15th June 2021, wherein

request was made that the matter can be amicably settled therefore appointment of an arbitrator is not at all required necessary. There is no denial of the Arbitration Agreement in the said response.

4. In view thereof, particularly considering that there is no settlement, the disputes between the Petitioner and Respondent are required to be referred to an Arbitrator. The parties have agreed that Mr. Ashish Gogate, Advocate can be appointed as the Arbitrator to adjudicate the disputes between the parties under the Arbitration clause 29 in Development Agreement dated 30th July 2010.

5. In view thereof, the following order is passed:-

- (i). Mr. Ashish Gogate, Advocate, is appointed as a Sole Arbitrator to decide the disputes between the Petitioner and the Respondent arising out of Registered Development Agreement dated 30th June 2010 executed between them.
- (ii). The venue of arbitration shall be in Thane as per the said Development Agreement dated 30th June 2010.
- (iii). Office to inform the Sole Arbitrator regarding his appointment.

- (iv). The Sole Arbitrator is requested to file his disclosure Affidavit of Arbitration under Section 11(8)(i) of the Arbitration and Conciliation Act, 1996 within a period of three weeks from the date of receipt of the notice issued by the Registrar Judicial-I and provide copies to the parties.
- (v). Parties to appear before the Sole Arbitrator on the date fixed.
- (vi). Fees of the Sole Arbitrator will be payable in accordance with the Bombay High Court (O.S.) Rules, 2018.
- (vii). Arbitration Petition is disposed of in the above terms.
- (viii). No costs.

(R. I. CHAGLA, J.)