

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
[COMMERCIAL DIVISION]

COMMERCIAL ARBITRATION APPLICATION NO.307 OF 2019

Liberty Realty Developer

.. Applicant

Vs.

Liyakat Gaffar Sheikh and Anr.

.. Respondents

Mr. Vivek Vora for the Applicant.

Mr. Bhavik Lalan, i/by Mr. Viral Rathod, for the Respondents.

CORAM : A. K. MENON, J.

DATE : 8TH FEBRUARY, 2022.

[THROUGH VIDEO CONFERENCE]

P.C. :

1. This is an application under Section 11 of the Arbitration and Conciliation Act, 1996, seeking appointment of a Sole Arbitrator to adjudicate upon the disputes between the parties arising from a Term Sheet dated 7th August 2012.

2. There are two respondents. It is pointed out by the respondents' counsel that a third person named Amjad Gaffar Shaikh also claims interest in the property, who has not been impleaded. In view thereof, Mr. Vora seeks leave to amend to implead Amjad Gaffar Shaikh as party-respondent no.3. Mr. Lalan, instructed by Mr. Rathod appearing on behalf of the respondents, states that he will enter appearance on behalf of newly added respondent-Amjad Gaffar Shaikh within two weeks from today.

3. Parties have today agreed that all disputes between them in relation to the said Term Sheet dated 7th August 2012 be referred to sole arbitration of Mr. Naushad Engineer, Advocate practicing in this court. In view of the same, they have requested the court to dispose the application. In view of the above, I pass the following order :-

- (i) Leave to amend is granted to implead Amjad Gaffar Shaikh as party-respondent no.3. Amendment shall be carried out within one week from today. Re-verification is dispensed with.
- (ii) Accordingly, by consent, Mr. Naushad Engineer, Advocate, practicing in this court, is appointed as Sole Arbitrator to adjudicate upon the disputes between the parties arising from a Term Sheet dated 7th August 2012.
- (iii) The learned Arbitrator is requested to file his disclosure statement under Section 11(8) and Section 12(1) within a period of three weeks from today with the Prothonotary and Senior Master and provide copies thereof to the parties.
- (iv) Parties to appear before the Sole Arbitrator on a date to be fixed by him at the earliest possible.

- (v) Fees payable to the Sole Arbitrator will be in accordance with the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.
- (vi) Arbitration Petition is disposed in the above terms.
- (vii) No costs.

(A.K. MENON, J.)