

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

ARBITRATION PETITION NO.45 OF 2018

Dnyaneshwar Khondiba Shilamkar and Ors. .. Petitioners
Vs.
One India Construction Pvt. Ltd. and Anr. .. Respondents

Mr. Anirudha Lad, i/by KLT Law Associates, for the Petitioners.
Mr. Shoaib I. Memon for the Respondents.

CORAM : A. K. MENON, J.
DATE : 8TH FEBRUARY, 2022.
[*THROUGH VIDEO CONFERENCE*]

P.C. :

1. Both the learned counsel state that pursuant to the Consent Minutes of Order dated 18th July 2018, it is now seen that only six persons in the array of petitioners now have a claim against the respondents. By virtue of the Consent Minutes of Order passed earlier, those parties' names can now be deleted before this petition is disposed.

2. Accordingly, Mr. Lad, learned counsel for the petitioners has tendered draft amendment. A Schedule of Amendment proposes deletion of several parties along with the consequential amendments. Along with draft amendment, Mr. Lad has also tendered certain particulars pertaining to the six persons, being petitioner nos.2, 14, 22, 27, 28 and 29, who are now prosecuting this petition.

3. Those are aspects which can be considered by the Arbitrator since today both Mr. Memon and Mr. Lad have agreed that disputes and differences between the aforesaid six persons and the respondents may be referred to the sole arbitration of Advocate Yashodeep Deshmukh.

4. In view thereof, I pass the following order :-

(i) Leave to amend, in terms of draft amendment handed in and marked "X" for identification, is granted. Amendment shall be carried out in terms of the Schedule of Amendment within a period of two weeks from today. Re-verification is dispensed with.

(ii) Meanwhile, the order dated 24th January 2022 passed in the above petition shall be corrected to the following extent and corrected order shall be uploaded.

(a) The amount of "*Rs.3,56,000/-*" mentioned in paragraph 1 of the said order shall be corrected to read as "**Rs.36,40,888/-**".

(b) In paragraph 3 of the said order, the date shall be corrected to read as "**31st January 2022**" instead of "*31st February 2022*".

(iii) Mr. Yashodeep Deshmukh, Advocate, is appointed as Sole Arbitrator to adjudicate upon claims and counter claims, if any,

- (iv) 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, High Court, Bombay and provide copies thereof to the parties.
- (v) Parties to appear before the Sole Arbitrator on a date to be fixed by him.
- (vi) Fees payable to the Sole Arbitrator will be in accordance with the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.
- (vii) Arbitration Petition is disposed in the above terms.
- (viii) No costs.
- (ix) Liberty to apply for interim reliefs before the tribunal.

(A.K. MENON, J.)