

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

ARBITRATION PETITION NO.145 OF 2017

Shyamsunder Shubkaran Kedia and Anr.

.. Petitioners

Vs.

Kamla Landmarc Enterprises and Ors.

.. Respondents

Mr. Manoj Agre, i/by Girish Kedia, for the Petitioners.

Mr. Bipin Joshi for Respondent No.1.

Ms. Taruna Nagpal, i/by DSK Legal, for Respondent No.5.

CORAM : A. K. MENON, J.

DATE : 8TH FEBRUARY, 2022.

[THROUGH VIDEO CONFERENCE]

P.C. :

1. Called for speaking to the minutes of the order dated 31st January 2022.

2. On behalf of the respondent no.5, learned counsel Ms. Nagpal states that in the order of 31st January 2022, reference to the present Arbitration Petition No.145 of 2017 is erroneous since that petition was not listed on 31st January 2022. She is however agreeable that the dispute in the above petition as between respondent no.5 and the petitioners may be referred to arbitration as has been done in the other two cases viz. Arbitration Petition No.146 of 2017 and Commercial Arbitration Petition No.86 of 2017. Ms. Nagpal meanwhile seeks leave to file reply in this petition prior to the petition being disposed.

3. Mr. Joshi, learned counsel appearing for respondent no.1 has no objection to this course of action being adopted. In fact, he has already submitted that the disputes may be referred for adjudication by the Sole Arbitrator, as recorded in the order dated 31st January 2022.

4. Mr. Agre, learned counsel appearing on behalf of the petitioners likewise has no objection if the aforesaid order being passed.

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

- (i) In the order dated 31st January 2022, in the cause-title, reference to "*Arbitration Petition No.145 of 2017*" shall be deleted. In paragraph 1 of the said order, the word "*three*" shall be replaced by "**two**". The corrected order dated 31st January 2022 shall be uploaded.
- (ii) By consent, respondent no.5 is permitted to file affidavit-in-reply to this petition during the course of the day today and copies thereof shall be served on all other parties.
- (iii) Mr. Sandeep H. Parikh, Advocate, is appointed as Sole Arbitrator to adjudicate upon claims and counter claims, if any, between the parties.
- (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 at his earliest convenience.
- (vi) Fees payable to the Sole Arbitrator will be in accordance with the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.
- (vii) Ad-interim order/s passed in this Arbitration Petition shall continue to operate till disposal of the Arbitral Reference by passing of Award and for a period of six weeks thereafter.
- (viii) Arbitration Petition is disposed in the above terms.
- (xi) No costs.

(A.K. MENON, J.)