

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

COMMERCIAL ARBITRATION PETITION NO. 484 OF 2021

Sangvijay Homes Private Limited	.. Petitioner
Versus	
Rite Developers Private Limited	.. Respondent

WITH

COMMERCIAL ARBITRATION APPLICATION (L) NO. 7147 OF 2023

Sangvijay Homes Private Limited	.. Applicant
Versus	
Rite Developers Private Limited	.. Respondent

-
- Mr. Jaineel Vashi i/by M.P.Vashi & Associates for Petitioner /Applicant
 - Ms. Jaya Bagwe for Respondent
-

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 31, 2023.

P.C.:

1. Heard Mr. Vashi, learned Advocate for Petitioner/Applicant and Ms. Bagwe, learned Advocate for Respondent.

2. Commercial Arbitration Petition No. 484 of 2021 is filed under Section 9 of the Arbitration & Conciliation Act, 1996 (for short “**the said Act**”) whereas Arbitration Application (L) No. 7147 of 2023 is filed under Section 11 of the said Act. By consent of the parties, Commercial Arbitration Petition No. 484 of 2021 filed under Section 9 of the said Act is converted to Section 17 of the said Act to be moved

before the learned sole Arbitrator and the learned Arbitrator is requested by the Court to dispose of the Section 17 proceedings within 8 weeks from today. Reply to the Section 17 shall be filed by Respondent within 3 weeks as stated by the learned Advocate for Respondent. Rejoinder shall be filed within one week thereafter before the learned Arbitrator.

3. After hearing the learned Advocates for sometime and perusing the record, both the learned Advocates have agreed to refer their dispute to the Arbitral Tribunal. Both parties have left the appointment of sole Arbitrator to be done by this Court.

4. Hence, I pass the following order:-

(i) Mr. Akshay Doctor (Mobile No.9867212002), Advocate/Counsel practicing in this Court is appointed as sole Arbitrator to decide upon the disputes and differences between the parties which is the subject matter of the present proceedings;

(ii) Both parties are directed to intimate to the sole Arbitrator about his appointment as a sole Arbitrator to resolve the disputes between them;

(iii) The learned Arbitrator within a period of 15 days before entering the arbitration reference, shall forward a statement of disclosure as per the requirement of Section 11(8) with Section 12(1) of the Arbitration and Conciliation

Act, 1996, to the Prothonotary and Senior Master of this Court, to be placed on record of these proceedings, with a copy to be forwarded to both the parties;

(iv) Parties are directed to appear before the learned sole Arbitrator as directed by the learned Arbitrator and shall fix a schedule as per his convenience;

(v) Learned arbitral Tribunal shall give all such further directions with reference to the arbitration and also as to how it is to be proceeded further;

(vi) Contact and communication particulars shall be provided by both the sides to the learned sole Arbitrator within a period of one week from today. This information shall include a valid and functional email as well as mobile numbers of the parties participating in the process as well as all Advocates / Counsel;

(vii) All contentions of the parties are expressly kept open;

(viii) The learned Arbitrator shall be entitled for the fees as per Schedule IV of the Arbitration and Conciliation Act, 1996 read with Bombay High Court (Fee Payable to Arbitrators) Rules, 2018 and the arbitral costs and fees of the Arbitrator shall be borne by both parties in equal portion and shall be subject to the final Award that may be passed by the Tribunal.

5. In view of the above, Commercial Arbitration Petition No. 484 of 2021 and Commercial Arbitration Application (L) No. 7147 of 2023 are disposed.

[MILIND N. JADHAV, J.]

SONALI
SATISH
KILAJE

Digitally signed
by SONALI
SATISH KILAJE
Date:
2023.04.05
15:13:00 +0530