

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 86 OF 2024

M/s.Opulent Properties Through .. Petitioners
Partners Mr.Rushikesh S. Lagad and anr.

Versus

Suprachi Co-operative Society Ltd and .. Respondents
ors, through Chairman Mr.Rajendra
Dattatraya Vitankar and anr

...

Mr.Purushottam G. Chavan for the petitioner.
Mr.Sachin Padaya for respondent no.1.
Mr.Nikhilesh Pote with Naman Talati for respondent no.2.

CORAM: BHARATI DANGRE, J.
DATED : 24th APRIL, 2024

P.C:-

1 Arbitration Petition filed by the developer seek appointment of a Sole Arbitrator, for resolving the disputes that have arisen with some of the members of the Society and in terms of clause in the Development Agreement, since it was agreed that any dispute arising therefrom, shall be referred to arbitration, and it has invoked arbitration under section 21 of the Arbitration and Conciliation Act, 1996.

The Society responded, by stating that majority of its members are very much interested, enthusiastic, hopeful and positive regarding redevelopment, except two members, who are non co-operative and it has also indicated that if the redevelopment stops or is abandoned, these two names shall only be responsible.

At the end, the developer is left free to initiate legal action as it deems appropriate.

2 In this background, the appointment of the Arbitrator is sought.

Since the seat for arbitration is indicated to be in Pune, I pass the following order :-

In the wake of the above, Shri Vinay Pandurang Utpar, Retired District and Sessions Judge, is appointed as Sole Arbitrator to adjudicate the disputes and differences that have arisen between the applicant and the respondent. The details of the Arbitrator are as under:-

Shri Vinay Pandurang Utpar,
Mahavir Park, C-Wing, Flat no.70,
Pune Satara Road, Behind Nexa
Show room, Near Rao Nursing
Home, Pune 411057.
Cell : 9423044478
Email : uvinay@yahoo.co.in

The Arbitrator shall, within a period of 15 days before entering the arbitration reference forward a statement of disclosure as contemplated under Section 12(1) of the Arbitration

and Conciliation Act, 1996, to the Prothonotary and Senior Master of this Court to be placed on record.

The Arbitrator, shall after entering the reference fix the date of first hearing and issue further directions as are necessary.

The Sole Arbitrator shall be entitled for the fees as per Bombay High Court (Fee Payable to Arbitrators) Rules, 2018 and the arbitral costs and fees of the Arbitrator shall be borne by the parties in equal portion and shall be subject to the final Award that may be passed by the Tribunal.

The Advocates for the applicant shall intimate the Arbitrator about his appointment within a period of one week from the date of uploading of this Order.

In addition, the Office of the Prothonotary and Senior Master of this Court shall also intimate the Arbitrator about his appointment, on the email id mentioned above, within a period of one week from the date of uploading of this Order.

All rights and contentions of the parties are kept open.

(SMT. BHARATI DANGRE, J.)