

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 80 of 2021

Mahesh Ramashray Mishra .. Petitioner

Versus

M/s.Kohinoor Infra-Development Thru .. Respondents
its Partner Santosh M Ramchandani and
ors

...

Adv. Akash Rebello a/w Zakir Basha for the petitioner.
Adv. Drupad Patil i/b Adv. Namit Pansare for respondent.

CORAM: BHARATI DANGRE, J.
DATED : 27th FEBRUARY, 2024

P.C:-

1 The dispute appearing in the petition is put to end by the Minutes of Order dated 27/02/2024, under the signature of the petitioner himself and Advocate for the respondents.

2 In the wake of the aforesaid the following order is passed:

1. *“Heard both the Advocates.*
2. *The present Application seeks Appointment of Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1966 and Clause no. 64 of the Flat Purchase Agreement dated 02/11/2020 executed by the Respondent Developer in favour of the Petitioner herein.*
3. *However, in view of the miniscule amount involved in the dispute between the parties, the parties have agreed to settle the matter on the*

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following terms:

- a. Along with Flat No. J. 704, the Respondent has allotted a “car parking space” to the Petitioner. In the light of letter dated 23/02/2024, issued by “Kohinoor Maxciti 'J' Wing Co-op. Housing Society Ltd.”, the Petitioner has been allotted a stilt car parking space. The society has acted on the same. Consequently, the grievance regarding allotment of stilt car parking stood resolved. Therefore, Petitioner do not have any surviving grievance regarding “issue of parking”. Hereto annexed and marked as **Exhibit A** is the copy of Letter dated 23/02/2024.*
 - b. Without going into the correctness of allegations in order to resolve the dispute amicably, The Respondent undertakes to carry out all repairs, pointed out by the Petitioner in Exhibit F of the Petition within a period of four weeks from the date of Order.*
 - c. The Respondent hereby undertakes to clear property tax arrears payable in respect of suit flat till 31/12/2020. The Respondents shall clear those arrears within period of four weeks from today and shall supply the copy of receipt to the Petitioner.*
- 4. The Arbitration Petition is disposed off in above terms.”*

3 During the hearing, the counsel for the respondent no.1, developer has handed over an Authorization dated 24/02/2014, by the Chairman of the respondent no.1, Society,

permitting the petitioner owner of flat no. J 704 in Kohinoor Maxciti to use the stilt parking on the ground floor as per mutual understanding with the Society members and certifying that there shall be no hindrance to him from the Society for the said purpose. The Minutes of Order has a photocopy of the said communication appended to it whereas, the original has been handed over to Mr. Rebello, who represented the Petitioner.

Accepting that the Society has now acknowledged that the petitioner shall be entitled to continue the use of the stilt parking on the ground floor, where he is already permitted to park his car, the discord between the two is put to an end.

Arbitration Petition stands disposed off.

(SMT. BHARATI DANGRE, J.)