

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

ARBITRATION PETITION NO.180 OF 2024

Tarte Housing Private Limited & Anr. ... Petitioners

V/s.

Abhijit Suresh Jadhav & Ors. ... Respondents

AND

ARBITRATION PETITION NO.181 OF 2024

Tarte Housing Private Limited & Anr. ... Petitioners

V/s.

Abhijit Suresh Jadhav & Ors. ... Respondents

Mr. Murtaza Chherawala a/w Shon Gadgil a/w Mihika Awate i/by M/s. CNS
Juris for the Petitioners in both Petitions.

Mr. Ziyad Madon, a/w Aayush Shah & Lillyan Thangkhiew & Divyanshi
Choudhary i/by M/s. Vesta Legal for Respondent Nos.1 to 3 in both Petitions.

CORAM : ARIF S. DOCTOR, J.

DATE : 9th DECEMBER 2024

P.C. :

1. This order will dispose of both the captioned Arbitration Petitions.
2. The captioned Petitions are filed under Section 11 of Arbitration and Conciliation Act, 1996 seeking appointment of Sole Arbitrator in respect of

disputes and differences between the parties arising out of two Partnership Agreements dated 15th September 2007 and 1st July 2007. There is no opposition to the Petitions being allowed and the Court appointing an Arbitrator.

3. I, therefore, appoint Dr. Smt. Justice Shalini Phansalkar-Joshi, former Judge of this Court, by consent of the parties, to act as the Sole Arbitrator in respect of the disputes and differences between the parties in both the captioned Petitions on the following terms:

TERMS OF APPOINTMENT

- (a) Appointment of Arbitrator:** Dr. Smt. Justice Shalini Phansalkar-Joshi, former Judge of this Court is hereby nominated to act as Sole Arbitrator to decide the disputes and differences between the parties.
- (b) Communication to Arbitrator of this order:**
 - (i) A copy of this order will be communicated to the learned Sole Arbitrator by the Advocates for the Petitioner within one week from the date this order is uploaded.
 - (ii) The Advocates for the Petitioner will forward an ordinary copy of this order to the learned Sole Arbitrator at the following postal and email addresses:

Arbitrator/s **Dr. Smt. Justice Shalini
Phansalkar-Joshi, former
Judge of this Court**

Address Bungalow No.12, Bhagya
Chintamani Society, Opposite
Kachra Depot Paud Road,
Kothrud, Pune – 400411.

Mobile 9657188676

Email phansalkarjoshi@gmail.com

- (c) Disclosure:** The learned Sole Arbitrator is requested to forward, in hard copy or soft copy (or both), the necessary statement of disclosure under Section 11(8) read with Section 12(1) of the Arbitration Act to Advocates for the parties as soon as possible. The Advocates for the Petitioner will arrange to file the original statement in the Registry. If the statement is forwarded in soft copy, a print out of the covering email is also to be filed in the registry.
- (d) Appearance before the Arbitrator:** Parties will appear before the learned Sole Arbitrator on such date and at such place as the learned Sole Arbitrator nominates to obtain appropriate directions in regard to fixing a schedule for completing pleadings, etc.
- (e) Contact/communication information of the parties:** Contact and communication particulars are to be provided by both sides to the learned Sole Arbitrator. The information is to include functional email addresses and mobile numbers.

(f) Interim Application/s:

- (i) Liberty to the parties to make an interim application or interim applications including (but not limited to) interim applications under Section 17 of the Arbitration & Conciliation Act, 1996 before the learned Sole Arbitrator. Any such application will be decided in such manner and within such time as the learned Sole Arbitrator deems fit.
- (ii) The learned Sole Arbitrator is requested to dispose of all interim applications at the earliest.

(g) Fees: The arbitral tribunal's fees shall not be governed by the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.

(h) Sharing of costs and fees: Parties agree that all arbitral costs and the fees of the arbitrator will be borne by the two sides in equal shares in the first instance.

(i) Consent to an extension if thought necessary. Parties immediately consent to a further extension of up to six months to complete the arbitration should the learned Sole Arbitrator find it necessary.

(j) Venue and seat of arbitration: Parties agree that the venue and seat of the arbitration will be in Pune.

4. The Petitions are disposed of in these terms. No costs.

(ARIF S. DOCTOR, J.)