

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

COMMERCIAL ARBITRATION APPLICATION NO.115 OF 2024

Santosh Vittal Shetty & Ors

...Applicants

Versus

Akshar Properties & Anr

...Respondents

Mr Krishna Holambe Patil, *for the Applicants.*

Mr Gauraj Shah i/b Sarthak Diwan, *for Respondent No. 1.*

Mr Ashutosh M Kulkarni (*appeared online*), *for Respondent No. 2.*

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CORAM: ARIF S. DOCTOR, J
DATED: 1st October 2024

PC:-

1. When the matter was called out, a preliminary objection was taken out that there is in fact no Arbitration Agreement. The Applicants have invoked the arbitration under the terms of a Development Agreement in respect of which the Applicants were not signatories. However, the Applicants had admittedly entered into a Permanent Alternate Accommodation Agreement ("**PAAA**") which contained no arbitration clause.

2. When confronted with this, Learned Counsel appearing on behalf of the Applicants seeks leave to withdraw the Application with liberty to adopt appropriate proceedings.

3. Since there is no arbitration clause and the Learned Counsel appearing on behalf of the Applicants submits that the Applicants will adopt appropriate proceedings available in law for redressal of their grievance, the Commercial Arbitration Application is dismissed as withdrawn.

(ARIF S. DOCTOR, J)