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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO.278 OF 2024

Asit Koticha

.. Petitioner

Versus

Aamby Valley Limited and Ors.

.. Respondents

Mr.Sharan Jagtiani a/w Mr.Yash Momaya, Mr.Munaf Virjee and
Mr.Tirtha Mukherjee i/b M/s.AMR Law for the Petitioner.

Mr.Ambrin Khan a/w Mr.Aditya Chopra for the Respondent Nos.1 & 2

CORAM: FIRDOSH P. POONIWALLA, J.

DATE: 13th NOVEMBER, 2024

P. C.

1. This Application has been filed under the provisions of Section 9 of the Arbitration and Conciliation Act, 1996 seeking the following reliefs:

“A This Hon'ble Court be pleased to pass all order and injunction restraining the Respondent Nos.1 and 2 (whether by itself or through officers, employees, staff members, servants, agents, or any person claiming through or under them) from prohibiting, preventing, obstructing, hindering, or in any manner whatsoever impeding, the construction of the said Villa on the said Plot of Land by the Lessee in terms, of the drawings approved by Respondent No.1;

B. This Hon'ble Court be pleased to pass an order and injunction ordering and directing Respondent Nos.1 and 2 to render all necessary assistance and co-operation to the Lessee in the construction of the said Villa on the said Plot of Land including inter alia by providing electricity connection, water pipeline connection, and drainage construction to the said Plot of Land as requested by the Lessee.

C This Hon'ble Court be pleased to grant ad interim reliefs in terms of prayer clauses A and B above;

D. This Hon'ble Court be pleased to make provision for the costs of this Petition; and

E. This Hon'ble Court be pleased to make and pass such further and/or other orders or grant such other reliefs as this Hon'ble Court deems fit and proper, in the facts and circumstances of the present case.”

2. The parties have agreed to the appointment of an Arbitrator and for the present Arbitration Petition being considered by the Arbitrator as an Application under Section 17 of the Arbitration and Conciliation Act. Accordingly, the following order is passed:

a. Mr.R.D.Dhanuka, Retired Chief Justice of this Court is appointed as the Arbitrator to arbitrate upon all disputes arising between the parties out of the Lease Deed dated 18th June 2013.

b. It is made clear that the Arbitrator has been appointed by consent of the parties, and, therefore, the

Arbitrator will charge such fees, as he may fix, in consultation with the parties, and will not be bound by the Rules framed by the High Court in that regard.

c. The Advocate for the Petitioner to inform the Arbitrator about his appointment within a period of one week from the date of uploading of this Order.

d. The Office of the Prothonotary and Senior Master of this Court also to inform the Arbitrator about his appointment within a period of one week from the date of uploading of this Order.

e. The Arbitrator to make the necessary disclosure under the provisions of the Act within a period of one week from being so intimated.

f. Commercial Arbitration Petition No.278 of 2024 filed under Section 9 will be treated as an Application under Section 17 of the Arbitration and Conciliation Act, 1996 by the Arbitrator. The pleadings under Section 9 will also be

treated as pleadings under Section 17 of the Arbitration and Conciliation Act, 1996.

g. Further, the Petitioner will be at liberty to apply to the Arbitrator for urgent ad-interim reliefs, and, if the Petitioner does so, the same will be considered by the Arbitrator as expeditiously as possible.

3. Arbitration Petition is disposed of.
4. There will be no order as to costs.

[FIRDOSH P. POONIWALLA, J.]