

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

COMMERCIAL ARBITRATION PETITION NO.206 OF 2024

Sheth Homes Pvt. Ltd. ... Petitioner
V/s.
Acerock Construction LLP ... Respondents

**WITH
INTERIM APPLICATION (L) NO.18543 OF 2024
IN
COMMERCIAL ARBITRATION PETITION NO.206 OF 2024**

Sheth Homes Pvt. Ltd. ... Applicant/Orig. Petitioner
In the matter of
Sheth homes Pvt. Ltd. ... Petitioner
V/s.
Acerock Construction LLP & Ors. ... Respondents

Mr. Janak Dwarkadas, Senior Advocate, Mr. Pravin Samdani, Senior Advocate, Mr. Mayur Khandeparkar, Mr. Nishant Chotani a/w Mr. Nivit Srivastava, Ms. Sneha Patil, Mr. Anup Deshmukh and Mr. Pranav Parik i/by Maniar Srivastava Associates for the Petitioner.

Mr. Rubin Vakil, Counsel a/w Mr. Akshay B. Udeshi for Respondent Nos.2 and 3.

Mr. Sharan Jagtiani, Senior Advocate with Mr. Shanay Shah and Ms. Shradha Achaliya i/by Ms. Sapana Rachure for proposed Respondent Nos.4 and 5.

Mr. Mukesh Talreja, Respondent No.2 is present in Court.

CORAM : ARIF S. DOCTOR, J.

DATE : 25TH JUNE 2024

P.C. :

INTERIM APPLICATION (L) NO.18543 OF 2024

1. Interim Application (L) No.18543 of 2024 has been filed seeking the usual prayers for amendment of the Commercial Arbitration Petition in terms of Schedule, which is appended to the Interim Application.

2. Mr. Jagtiani, Learned Senior Counsel, who appears on behalf of the proposed Respondent Nos.4 and 5, submits that he does not have any objection to the Interim Application being allowed, subject to however all his rights and contentions are kept open.

3. Hence, Interim Application (L) No.18543 of 2024 is allowed in terms of prayer clauses (a) and (b). Amendments to be carried out within a period of one week from today. Re-verification is dispensed with.

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4. Mr. Dwarkadas, Learned Senior Counsel appearing on behalf of the Petitioner as also Mr. Vakil, Learned Counsel appearing on behalf of Respondent Nos.2 and 3 submit that there are certain settlement talks are underway and thus request for a period of two weeks.

5. Mr. Vakil, Learned Counsel for Respondent Nos.2 and 3 makes a statement to the Court that until the next date of hearing Respondent Nos.2 and 3 shall not sale, encumber and/or create any third party rights in respect of the subject land as also shall not dilute their shares in the first Respondent Firm. Needless to state that this is without prejudice to the rights and contentions of the parties.

6. Mr. Jagtiani submits that there are disputes and differences between his clients on the one hand and some of the Respondents on the other hand.

7. Given the nature of the disputes and differences and that Respondent Nos.2 and 3 had made a statement as recorded above, in the event of proposed Respondent Nos.4 and 5 or Respondent No.1 seeking to alter the position that exists today, they shall be at liberty to approach the Court.

8. Stand over to 9th July 2024.

(ARIF S. DOCTOR, J.)