

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

COMMERCIAL ARBITRATION PETITION NO.383 OF 2024

Sri Krishin Co-operative Housing
Society Limited

... Petitioner

V/s.

Mishal Construction Private Limited

... Respondent

Mr. Dhiren Shah a/w Mr. Mubeen Sirkhot for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 9TH OCTOBER 2024

P.C. :

1. This is a Petition filed under Section 9 of the Arbitration & Conciliation Act, 1996 by a co-operative housing society, who has terminated a Development Agreement entered into with Respondent No.1-Developer. The Petition seeks the usual reliefs, however Learned Counsel submits that the Petitioner had previously filed another Petition under Section 9 of the Arbitration & Conciliation Act, 1996 seeking to enforce the Development Agreement, which has now been terminated. He submits that the Petitioner has also filed Application under Section 11 of the Arbitration & Conciliation Act,

1996 for the appointment of an arbitrator. Learned Counsel for the Petitioner fairly submits that in the other Petition filed under Section 9, the Respondent-Developer has infact entered appearance in that matter.

2. In view of this, list Commercial Arbitration Application No.296 of 2021 and Commercial Arbitration Petition No.671 of 2021 alongwith present Petition on 16th October 2024.

3. Learned Counsel for the Petitioner undertakes to serve notice of the next date of hearing upon the Respondent-Developer.

4. It is made clear that in the event if none appears on behalf of the Respondent-Developer on the next date, the Court shall take up and dispose of two Petitions and one Application on that date.

(ARIF S. DOCTOR, J.)