

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1717 OF 2024
IN
SUIT NO. 188 OF 2024

Jagruti Rustom Kothari & Ors. ...Applicants

In the matter of

Jagruti Rustom Kothari & Ors. ...Plaintiffs

Vs.

Vira Realty ...Defendant

WITH
SUIT NO. 188 OF 2024 (NOB)

Adv. Sean Wassoodew a/w Ashna Shah for the Applicants/Plaintiffs.

Adv. Piyush Shah a/w Dishang Shah for the Respondent.

Mr. Sagar Barot is present in person.

CORAM : ARIF S. DOCTOR, J.

DATE : 24TH OCTOBER, 2024

P.C.:-

1. Learned Counsel appearing on behalf of the Respondent today makes a statement on instructions of Mr. Sagar Barot who is present in Court that he shall put the Plaintiffs into possession of four units being unit Nos.201, 202, 203 and 301 within a period of two weeks from today. Parties also agreed to the appointment of an Arbitrator and have agreed with Mr. Minoo Siodia to act as Sole Arbitrator in respect of the disputes and differences between the parties.

TERMS OF APPOINTMENT

(a) **Appointment of Arbitrator:** Mr. Minoo Siodia is hereby nominated to act as a 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 Applicant within one week from the date this order is uploaded.

(ii) The Advocates for the Applicants/Plaintiffs will forward an ordinary copy of this order to the learned Sole Arbitrator at the following postal and email addresses:

Arbitrator/s Mr. Minoo Siodia

Address 2nd Floor, Rustanjee Ginwala
Mistry Mansion, M. G. Road,
Fort, Mumbai 400001.

Mobile 9004462104
9820062104

Email minoosiodia@hotmail.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 Applicants/Plaintiffs 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) **Section 16 application:** The Respondent is at liberty to raise all questions of jurisdiction within the meaning of section 16 of the Arbitration Act. All contentions are left open.
- (g) **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.
- (h) **Fees:** The arbitral tribunal's fees shall be governed by the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.

- (i) **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.
- (j) **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.
- (k) **Venue and seat of arbitration:** Parties agree that the venue and seat of the arbitration will be in Mumbai.

2. Therefore, the present Suit is referred to arbitration. All rights and contentions of the parties are kept expressly open to be adjudicated upon in the arbitration proceedings.

3. The Suit is accordingly disposed of in the aforesaid terms.

4. Mr. Wassoodew, Learned Counsel appearing on behalf of the Applicants/Plaintiffs submits that the Applicants/Plaintiffs were put into possession of the aforesaid four flats and and three parking places and shall not until the disposal of arbitration proceedings or without leave of the Tribunal create any third party rights in respect of the said flats and parking places.

5. Liberty to file Counter Claim.

(ARIF S. DOCTOR, J.)