

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO.11 OF 2025

MS Austin Realtors

...Petitioner

Versus

Vishwakarma Bidi Kamgar Sahakari

Gruh Rachna Sanstha Maryadit

...Respondent

Mr. Balasaheb Gunda Ligade, *Advocate for Petitioner.*

Mr. Abhay Dhadiwal a/w. Ms Vidhi Karia i/b. Jayakar & Partners, Advocate for Respondent No.2.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 31, 2025

PC :

1. This is a Petition under Section 11 of the Arbitration and Conciliation Act, 1996 (***"the Act"***) seeking appointment of an arbitrator to refer the disputes and differences between them under a Joint Development Agreement dated August 21, 2023.

2. Today, when the matter is called out, the parties, by consent submit that all disputes and differences pursuant to the aforesaid agreement, may be referred to Justice Dr. Smt. Shalini Phansalkar Joshi, a former judge of this Court. It is noted that the venue of the arbitration is in Pune.

3. In these circumstances, this Petition is *finally disposed of* by referring all disputes and differences covered by these proceedings to arbitration in the following terms:

a] Justice (*Retired*) Smt. Shalini Phansalkar Joshi, a former judge of this Court is hereby appointed as the Sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of and in connection with the Agreement referred to above. The Learned Sole Arbitrator's contact particulars are set out below:-

Shalini Phansalkar Joshi
Former Judge, Bombay High Court
Bhagya Chintamani Society,
Opp. Kachra Depot,
Paud road, Kothrud,
Pune 411038.
phansalkarjoshi@gmail.com

b] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Petitioner within a period of one week from the date of this order being made available on the website of this Court. The Petitioner shall provide the contact and communication particulars of the parties to the Arbitral Tribunal along with a copy of this Order;

c] The Learned Sole Arbitrator is requested to forward the statutory Statement of Disclosure under Section 11(8) read with Section 12(1) of the Act to the parties within a period of two weeks from receipt of a copy of this Order;

d] The parties shall appear before the Learned Sole

Arbitrator on such date and at such place as indicated, to obtain appropriate directions with regard to conduct of the arbitration including fixing a schedule for pleadings, examination of witnesses, if any, schedule of hearings etc. At such meeting, the parties shall provide a valid and functional email address along with mobile and landline numbers of the respective Advocates of the parties to the Arbitral Tribunal. Communications to such email addresses shall constitute valid service of correspondence in connection with the arbitration; and

e] All arbitral costs and fees of the Arbitral Tribunal shall be borne by the parties equally in the first instance, and shall be subject to any final Award that may be passed by the Tribunal in relation to costs.

4. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]