

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION (L) NO. 28739 OF 2023
IN
ARBITRATION PETITION NO. 15 OF 2024

Mohamed Mansur Ali

...Applicant

Versus

Khan Abdul Karim Majid

...Respondents

ALONGWITH
ARBITRATION PETITION NO. 15 OF 2024
ALONGWITH
INTERIM APPLICATION (L) NO.4606 OF 2022
ALONGWITH
INTERIM APPLICATION (L) NO.4615 OF 2022
ALONGWITH
INTERIM APPLICATION NO.655 OF 2020
ALONGWITH
COURT RECEIVER REPORT NO. 87 OF 2022
ALONGWITH
COURT RECEIVER REPORT NO. 52 OF 2021
ALONGWITH
INTERIM APPLICATION (L) NO.28739 OF 2023
ALONGWITH
COURT RECEIVER REPORT NO. 133 OF 2021
ALONGWITH
COURT RECEIVER REPORT NO. 90 OF 2021
IN
ARBITRATION PETITION NO. 15 OF 2024
ALONGWITH
COMM. ARBITRATION PETITION (L) NO. 28028 OF 2023
ALONGWITH
ARBITRATION APPLICATION (L) NO. 31159 OF 2023
ALONGWITH
ARBITRATION APPLICATION (L) NO. 31189 OF 2023

MR. Mayur Khandeparkar a/w *Mr. Vikramjit Garewal and Mr. Umesh Tawari for the Petitioner.*

Mr. Bhavik Lalan i/b *Mr. Akash P. Shah for Respondent No.1.*

Ms. Nandini Deshpande, *1st Assistant to the Court Receiver present.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : MARCH 27, 2025

PC :

1. Today, when the matter is called out, Learned Counsel for the parties jointly submit that the parties are willing to proceed to arbitration straight away so that all disputes and differences between them covered by the captioned proceedings could be dealt with by the Arbitral Tribunal. In these circumstances, these Petitions are finally disposed of in the following terms:-

A] Mr. Amrut Joshi, Advocate 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;

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P.O., Homi Mody Cross Lane, Fort,

Mumbai – 400 001.

E-mail ID : amorjos@gmail.com

B] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Applicant within a period of one week from the date on which this order is uploaded on the website of this Court. The Applicant 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 Advocates for the Applicant so as to enable them to file the same in the Registry of this Court. The Registry of this Court shall retain the said Statement on the file of this Application and a copy of the same shall be furnished by the Advocates for the Applicant to the Respondents;

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;

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.

2. As regards Interim Application (L) No. 28739 of 2023, until the arbitral tribunal is convened to consider the interlocutory measures to be taken in the aforesaid matter, the Court Receiver shall also take possession of the Flat No. 2005. It is made clear that it shall be open to the arbitral tribunal appointed hereby to consider the contentions of the parties in respect of Flat No. 2005 and alter the interim arrangement should it be found after examining the evidence that such coverage would not be necessary.

3. In terms of prayer clauses “a” and “b”, the Learned Arbitral Tribunal requested to convene at the earliest to examine what interlocutory measures needs to be passed in aid of the arbitration.

4. Arbitration Application (L) No. 31189 of 2023 is an Application under Section 11 of the Act. Since the arbitral tribunal is hereby appointed the aforesaid Application shall also be *disposed of* in the aforesaid terms.

5. The appointment of the Court Receiver and interim measures directed herein above shall be abide by the outcome of the arbitration. Needless to say, that the arbitral tribunal shall be at liberty to vary or modify the interlocutory measures should the case is made out by the Respondent.

6. 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.]