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

ARBITRATION PETITION NO. 178 OF 2025

Gamisons And Barvadiya Realty Private
Limited

...Petitioner

Versus

The Pant Nagar Vidya Darshan Co.operative
Housing Society Limited

...Respondent

Mr. Nirman Sharma a/w *Mr. Deeshank Doshi, Mr. Ansh Karnawat and Mr. Sachin Chowdhari for the Petitioner.*

Mr. Shanay Shah i/b *Ms. Parisha Shah and Ms. Yukta Palve for the Respondent.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JUNE 23, 2025

ORDER :

1. This is a petition filed invoking Section 9 of the Arbitration and Conciliation Act, 1996 ("***the Act***"). After the matter was argued for some time, it is felt appropriate to relegate the parties to arbitration forthwith particularly taking into account the age of this Petition.

2. Learned Counsel for the Petitioner submits that recent developments have necessitated activating the proceedings afresh and there is no delay on his part. Be that as it may, this Petition is finally disposed of by referring all disputes and differences covered in the Petition, by consent of the parties, to Mr. Ranjeev Carvalho, Learned Advocate of this Court.

3. The Learned Sole Arbitrator is requested to convene at the earliest, preferably within a week of being approached, to give instructions

on how to conduct the proceedings for interlocutory arrangements that may be necessary in the matter.

4. The Section 9 Petition stands converted into an Application under Section 17 of the Act. Given the efflux of time the parties shall be at liberty to draw attention of the Arbitral Tribunal to any further developments after the Petition was filed. Should the parties make out a case for joinder of any third party applying known principles of law for joining third parties, the arbitrator shall consider the same in accordance with law.

5. This Petition is ***finally disposed of*** in the following terms:

A] Mr. Ranjeev Carvalho, Learned Advocate of this Court is hereby appointed as the Sole Arbitrator to adjudicate upon the disputes and differences between the parties.

Address : 501, 502, Shanti Building, Banaji Street,

Fort, Mumbai – 400 001.

Email : ranjeev.carvalho@gmail.com

B] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocate for the Petitioner within a period of one week from the date on which this order is uploaded 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 Advocate for the Petitioner 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 Petition and a copy of the same shall be furnished by the Advocate for the Petitioner to the Respondent;

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.

6. Needless to say, nothing contained in this order is an expression of an opinion on merits of the matter or the relative strength of the parties. All issues on merits are expressly kept open to be agitated before the arbitral tribunal appointed hereby.

7. 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.]