

PURTI
PRASAD
PARAB

Digitally signed by
PURTI PRASAD
PARAB
Date: 2025.06.04
15:00:35 +0530

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

ARBITRATION PETITION NO. 286 OF 2024
ALONGWITH
ARBITRATION APPLICATION (L) NO. 9400 OF 2024

Joseph Anthony D'Cunha and Ors.

...Petitioners/
Applicants

Versus

Acknur Property Developers and Anr.

...Respondents

Advocate for the Parties appeared but appearance not tendered.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : May 5, 2025

PC :

1. Mentioned out of turn. Pursuant to the joint request made by the parties that the Application under Section 11 of the Arbitration and Conciliation Act, 1996 ("***the Act***") be disposed of, considering that the parties are willing to proceed to arbitration, taken up for hearing.

2. Arbitration Application (L) No. 9400 of 2024 has been filed under Section 11 of the Act seeking appointment of an arbitrator in connection with disputes and differences that are said to have arisen between the parties under an Agreement dated March 13, 2014 ("***Agreement***"). The arbitration agreement is contained in Clause 31 (found at Page 81 of the Application). In the interest of brevity, the arbitration agreement is not being extracted here. Suffice it to say that this matter falls within the jurisdiction of this Court.

3. Being satisfied that an arbitration agreement is validly in existence, and that arbitration has been duly invoked, it is in the fitness of things to refer the disputes and differences between the parties in connection with the aforesaid Agreement dated March 13, 2014 to arbitration by a Sole Arbitrator.

4. Consequently, this Application is *finally disposed of* in the following terms:-

A] Ms. Aakanksha Saxena, Learned 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;

Address : C/o Aashish Kamat, 501, 5th Floor, Oval House,
Old British Lane, Kala Ghoda, Fort,
Mumbai – 400 001.
E-mail : aakanksha.saxena03@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.

5. Arbitration Petition No. 286 of 2024 is the Petition filed under Section 9 of the Act. The same shall be converted into an Application under Section 17 of the Act and ***finally disposed of***.

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.]