

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 207 OF 2025
WITH
ARBITRATION APPLICATION NO. 106 OF 2025**

Ultra Lifespace Private Limited
through Director Jignesh Shah

... Petitioner

Vs

Pyramid Developers

... Respondent

**WITH
ARBITRATION PETITION (L) NO. 19439 OF 2024**

Pyramid Developers

... Petitioner

Vs.

Ultra Lifespace Private Limited

... Respondent

Mr. Ashish Kamat, Senior Advocate *a/w. Ms. Drishti Gudhaka i/b DSK Legal, for Ultra Lifespace Private Limited.*

Mr. Nishant Shashidharan *a/w. Nivit Srivastava, Yash Chheda and Bhavya Shah i/b Maniar Srivastava Associates, for Pyramid Developers.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : July 10, 2025

Order :

1. Arbitration Petition No. 207 of 2025 and Arbitration Application No. 106 of 2025 are filed by Ultra Lifespace Private Limited under Section 9 and Section 11 respectively, of the Arbitration and Conciliation Act, 1996 (*"the Act"*).

2. Arbitration Petition (L) No. 19439 of 2024 is filed by Pyramid Developers in connection with disputes and differences covered by the very same agreement.

3. Consequently, these proceedings entail cross petitions under Section 9 of the Act and an application to proceed to arbitration under Section 11 of the Act. In the Petition filed by Ultra Lifespace Private Limited, a statement had been made before a Learned Single Judge of this Court on September 20, 2023, in paragraph 9, which thereby constitutes a *pro tem ad interim* arrangement that was made in respect of three flats, namely, Flat Nos. 602, 603 and 804, which were flats that were then unsold. Such statement has continued right until today. Since both parties are seeking relief under Section 9 of the Act, and there is no contest about the existence of an arbitration agreement, it is only appropriate to forthwith convert both the petitions into applications under Section 17 of the Act, including all the pleadings made by either party therein as pleadings under Section 17 of the Act.

4. The Arbitral Tribunal is hereby constituted in the following terms :-

A] Justice (Retired) Akil Kureshi, Former Judge of this Court and former Chief Justice of Rajasthan and Tripura High Courts, who resides in Mumbai, 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 in the Section 11 Application. The contact particulars of Justice Kureshi are set out below:-

Office Address : 617, Raheja Chambers, 6th Floor,
Free Press Journal Marg, 213 Nariman Point,
Mumbai-400021.

Email id : akil.kureshi@gmail.com

B] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Petitioner/Applicant within a period of one week from the date on which this order is uploaded on the website of this Court. The Petitioner/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 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;

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 Arbitral Tribunal in relation to costs.

5. 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.

6. The Learned Arbitral Tribunal is requested to convene at the earliest, preferably within a week of being approached, to issue directions to the parties on how to proceed further in the matter. To enable the parties and the Arbitral Tribunal to deal with the statement that has continued for nearly two years expeditiously, this Court is inclined to request the Arbitral Tribunal to convene at the earliest to determine the terms on which any interlocutory arrangement may be made to balance the competing interests of the parties. Towards this end, the statement made and continued for nearly two years

shall continue for a further period of four weeks, within which the Arbitral Tribunal may convene and issue such directions as it deems fit to the parties.

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.]