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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 29 OF 2025

Phalke Niketan Co-operative Housing Society Limited ...Petitioner

Versus
Adit Enterprises ...Respondent

Mr. Sanjiv Sawant a/w *Mr. Abhishek Matkar and Mr. Malhar Bageshwar for the Petitioner.*
Mr. Mandar Soman *for the Respondent.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : MARCH 12, 2025

PC :

1. Having heard the parties for some time, it is clear that the objection from the Respondent is a preliminary objection and that of jurisdiction. According to him, in view of the suit filed by four members of the Society, which came to be supported by all other members of the Society, the Society is deemed to have waived the arbitration agreement.

2. Let such affidavit be filed alongwith requisite supporting documents no later than ***March 19, 2025***. Rejoinder, if any, no later than ***March 26, 2025***.

3. List for further consideration on ***March 27, 2025*** under the caption "***Ad-interim relief – Section 9***".

4. The Petitioner submits that despite the Court Receiver having been appointed in the suit in question, the Respondent/Developer is interfering the property. Needless to say, the parties to the suit are at liberty to approach the appropriate bench which is considering the suit for necessary directions to the Court Receiver. What interim protection under Section 9 shall be passed by this Court would be considered on the next date.

5. 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.]