

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO.353 OF 2024

Mahendra Ramniklal ShahPetitioner

V/S

M/s.Gangar InfrastructureRespondent

Ms.Henna Shah a/w Palak Ranka for the Petitioner.

Mr.Gauraj Shah a/w Harjot Singh, Pratik Jani and Princee Vaishnav i/b Prime Legem for the Respondent.

CORAM : BHARATI DANGRE, J.

DATE : 11th DECEMBER, 2025.

P.C.

1 The learned counsel Mr.Gauraj Shah, representing the Respondent-Developer makes a statement that the PAAA Agreement is ready for execution.

The learned counsel representing the Petitioner submit that the Petitioner is conscious of the fact that the stamp duty on the additional area purchased by him shall be borne by him.

In the light of the understanding, I see no difficulty in executing the PAAA.

2 When the matter went in Appeal in Arbitration Appeal (L) No.18342/2025, on 17/07/2025, the Division Bench observed thus :-

“As of now parties can execute PAAA without prejudice to their rights and with liberty to enforce their rights in arbitration proceeding. Mr. Shah, the learned counsel appearing for the Appellant has expressed willingness to undertake such exercise and would submit that Appellant shall execute PAAA subject to his rights and contentions being kept open.”

In the wake of this particular observation, now a consensus is expressed that PAAA shall be executed and registered with an understanding that separate PAAA shall be executed in respect of two flats in possession of the Petitioner, within a period of one week from today.

3 Since the dispute has arisen between the Parties as regards arrears of transit rent to be paid and the developer's grievance about payment of additional amount for purchasing additional carpet area, the parties are desirous of resolving the dispute in arbitration.

In the wake of above understanding, I pass the following order :

A] Mr.Karansingh Rajput, an Advocate of this Court is hereby appointed as the Sole Arbitrator to adjudicate upon the disputes and difference between the parties arising out of and in connection with the Agreement referred to above.

Needless to state that apart from the aforesaid issues, if on certain other heads there is any dispute between the Parties, the same shall also be resolved by the Arbitrator.

The contact details of the arbitrator are as under :-

Mobile No. :- 91678 26051

Office Address :- 11-C, Old Oriental Building,
Bombay High Court, Mumbai.

Email ID :- karansinhrajput@gmail.com

B] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates 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 prove 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 by him, to obtain appropriate direction with regard to conduct of the arbitration including fixing a schedule for pleadings, examination of witnesses, if any, schedule of hearings etc.

E] The sole Arbitrator shall be entitled to the fees prescribed under the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018 and the arbitral costs and fees of the Arbitrator shall be borne by the parties in equal portion and shall be subject to the final Award that may be passed by the Tribunal.

4 The proceedings filed under Section 9 in form of Arbitration Petition is permitted to be converted under Section 17, with an

additional pleadings permitted to be filed, at the discretion of the sole Arbitrator.

5 All issues on merits are expressly kept open to be agitated before the Arbitral Tribunal appointed hereby.

6 Arbitration Petition stand disposed of.

[BHARATI DANGRE, J]