

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

COMMERCIAL ARBITRATION APPLICATION NO. 236 OF 2024

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M/s. C B Developers

... Applicant

Vs.

Ketan Amrutlal Jobalia & Ors.

... Respondents

WITH
COMMERCIAL ARBITRATION PETITION NO. 1073 OF 2019
WITH
ARBITRATION APPLICATION (L) NO. 23554 OF 2023

Mr. Anil Mishra a/w *Mukesh Pandey, Suraj Dubey and Chandrahas Mishra, for Applicant in ARBAPL-23554-2023.*

Mr. Kunal Vaishnav a/w. *Suraj Iyer, Mani Thevar i/b Ganesh & Co., for Applicant/Petitioner in CARBP-1073-2019 AND CARAP-236-2024.*

Mr. Chetan Raskilal Shah, *Partner of Petitioner is present.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : April 28, 2025

P. C.

1. This is an Application under Section 11 of the Arbitration and Conciliation Act, 1996 (***the Act***).

2. The Applicant has entered into a settlement with all Respondents, other than Respondent No. 1 pursuant to which they intend to redevelop the property, with the tenants and the landlord joining hands.

3. Learned Counsel for Respondent No. 1 has strong objection to this settlement on the premise that only because he had been enjoined by this Court in this Petition from taking any further steps, the redevelopment did not take place. Towards this end, he seeks to file a specific affidavit dealing with why the consent terms ought not to be accepted by the Court. Liberty to do so no later than April 30, 2025. List for final consideration on ***May 5, 2025*** on the ***Supplementary Board***.

4. A copy of the Consent Terms marked “X” for identification is taken on record. Liberty to file the same with the registry of this Court so that it forms an integral part of the record. A decision on whether to accept the same in disposal of these proceedings will be taken 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.]