

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION APPLICATION NO.403 OF 2024
WITH
COMMERCIAL ARBITRATION PETITION NO.832 OF 2024

Bhavana Uday Lakhani & Ors. ...Applicants/Petitioners

Versus

Richmond Buildtech LLP & Ors. ...Respondents

Mr. Shanay Shah a/w. Neuty Thakkar & Twinkle Kalla i/b.
Tushar Garodia, Advocates for Applicant/Petitioner.

Mr. Nikhil Wage a/w. Anubhav Singh i/b. Vishesh Srivastav,
Advocates for Respondent.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 29, 2025

PC :

1. The Commercial Arbitration Application No.403 of 2024 has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (***“the Act”***) and Commercial Arbitration Petition No.832 of 2024 is filed under Section 9 of the Act.

2. Today, when the matter is called out, Learned Counsel for the parties graciously agreed that both these proceedings can be finally disposed of referring all disputes and differences between them covered

by these two proceedings to arbitration by a Learned Sole Arbitrator appointed by this Court.

3. The Section 9 Petition shall be treated as an Application under Section 17 with the caveat that between today and the date on which the arbitral tribunal considers the Section 17 Application, no third-party rights shall be created by the Respondents on the subject property, over which the disputes and differences have arisen.

4. In these circumstances, the Application deserves to be allowed, and consequently, we pass the following order:

a] Mr. Prateek Pansare, an 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. The contact details of the Learned Arbitrator are set out below:-

Address : 11C, Examiner Press Building,
Dalal Street, Forst,
Mumbai – 400 001.
Email : prateek@pansare.in

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 of this order being made available 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 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; and

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. These matters are ***finally disposed of*** in the aforesaid terms.

6. Needless to say, nothing contained in this order is an expression of an opinion on merits and this order is passed without prejudice to the rights and contentions of the respective 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.]