

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMM. ARBITRATION PETITION (LODG.) NO. 34890 of 2023**

**WITH
COMM. ARBITRATION APPLICATION NO. 421 OF 2024
(U/s. 11 of A & C Act, 1996)**

**WITH
COMM. ARBITRATION PETITION (LODG.) NO. 30505 of 2024
(U/s. 9 of A & C Act, 1996)**

VITRAG INFRA PROJECTS LLP
ENGINEERS AND CONTRACTORS

....Petitioner

Versus

THE SECRETARY CHAIRMAN TREASURER,
JAI GOPAL KRISHNA CO-OP. HSG. LTD. & Ors.

...Respondents

Mr. Nikhil Seth *a/w. Vikramjeet Garewal, for Petitioner.*

Mr. Mahesh Menon *a/w. Pranav Chavan i/b Mahesh Menon and Co., for Respondent Nos. 1 to 3.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : January 22, 2025

P. C.

1. The Commercial Arbitration Petition (Lodg.) No. 30505 of 2024 has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (“***the Act***”) and Commercial Arbitration Application No. 421 of 2024 has been filed under Section 11 of the Act. These two matters were not listed on on Board

today, but by consent of the parties, they were taken on Board and heard along with Commercial Arbitration Petition (Lodg.) No. 34890 of 2023, that was listed today at Serial No. 48.

2. All these are connected matters relating to the very same re-development of the very same property referred to in the pleadings in these proceedings.

3. Today, when the matter is called out, Learned Counsel for the parties submit that they are willing to proceed to arbitration by an arbitrator appointed by this Court, who may treat the Petitions under Section 9 of the Act, as Applications under Section 17 of the Act.

4. Consequently, both the Petitions filed under Section 9, and the aforesaid Application filed under Section 11 of the Act, are hereby ***finally disposed of***, in the following terms :

- a. Justice (Retd.) Amjad Sayed, a former judge 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 are set out below :

Address:

Suit No. 225, DBS Business Centre, 2nd Floor,
Raheja Chambers, Free Press Journal Marg,
Nariman Point, Mumbai - 400021

Email id:

sayamjad@gmail.com

- b. A copy of this Order shall be communicated to the Learned Sole Arbitrator by the Advocates for the Petitioner/Applicant within a period of one week from today. 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 Tribunal in relation to costs.

5. Given the efflux of time, since the filing of the Petitions under Section 9 of the Act, parties are at liberty to supplement and mould the contentions contained therein, to enable the Learned Sole Arbitrator appointed hereby to deal with all contentions of the parties and pass appropriate orders relating to interlocutory reliefs considered necessary pending final hearing and disposal of the arbitration proceedings. It is requested that the arbitral tribunal deals with the interlocutory measures requested by the parties, as expeditiously as possible, preferably within a period of twelve weeks from today. Learned Counsel for both parties commit that they shall approach the Learned Sole Arbitrator appointed hereby, at a time convenient to the arbitrator, no later than January 31, 2025.

6. 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.]