

Digitally
signed by
SHRADDHA
KAMLESH
TALEKAR
Date:
2025.02.15
14:17:45
+0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMM. ARBITRATION PETITION NO. 71 OF 2025

M/s. Developers

..Petitioner

Versus

Jay Co-operative Housing Society Limited

& Others

...Respondents

Mr. Naushad Engineer, Senior Advocate *a/w. Ms. Mehak Shah i/b Dharmesh S. Jain, for Petitioner.*

Mr. Viraj Parikh *i/b Pranjali Bhandari, for Respondent No. 1.*

Mr. Mayur Khandeparkar *a/w. Jay Sanklecha, Ms. Taniya Dsouza and Ms. Arya Gadagkar i/b M/s. Rashmikanth and Partners for Respondent Nos. 4 to 8.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : February 12, 2025

P. C.

1. This is a Petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 ("***the Act***") by a developer in respect of a society, comprising 74 members. Three members are said to be holding out while

majority of the members have agreed to vacate pursuant to the development agreement.

2. Essentially, the disputes revolve around three portions of the premises, namely, Flat No.E-54 (owned and controlled by Respondent Nos. 2 and 3), Flat No. D-43 (owned and controlled by Respondent Nos. 11 and 12), and a portion of the ground floor which is currently licensed to a bank, i.e., commercial premises (owned and controlled by Respondent Nos. 4 to 9).

3. Learned Counsel for Respondent Nos. 4 to 9 submits that these parties have also filed a Petition under Section 9 of the Act in connection with the same agreement and the same re-development. That Petition is numbered as Commercial Arbitration Petition (L.) No. 38699 of 2024.

4. Registry to **tag** the aforesaid Petition with the captioned proceedings, and list them both on **March 5, 2025** under the caption “***Ad-Interim Relief – Section 9***”.

5. Pleadings shall be completed on or before the next date. On the next date, regardless of the state of pleadings, both the Petitions would be taken up.

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.]