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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COMM. ARBITRATION PETITION NO. 121 OF 2025

Siddiq Mohammed Ali P.V. (Siddik)

...Petitioner

Versus

Surana Construction (Chembur) and Anr.

...Respondents

Advocate for the Parties appeared but appearance not tendered.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 23, 2025

PC :

1. This is a Petition under Section 9 of the Arbitration and Conciliation Act, 1996 (***“the Act”***), seeking interlocutory protective reliefs in connection with disputes and differences relating to an Agreement dated June 15, 2016. The Petitioner provided an amount Rs.3 Crores to the Respondent in connection with construction of certain premises that was underway. It is seen from the record that Advocate for the Petitioner issued notice dated July 19, 2024 to the Respondent stating that as per the Agreement in view of the retention of the said amount of Rs. 3 Crores an area of 3125 sq. ft. has to be provided to the Petitioner. By a reply to the notice, the Respondent has taken a stand that the documents being unregistered and the compliance with the offer made by them being in conflict with the law governing Slum Redevelopment no case would be made out for enforcement of the Agreement. However, receipt of the amount has not been denied and the response appears to be on the premise of technicality of law.

2. Despite notice, none appears today for the Respondent. In these circumstances, purely as an ad-interim measures relief in terms of prayer clause “a” would follow until next date which reads as under:

(a) that pending the beginning and completion of the Arbitration proceedings, the Respondents be restrained from creating any third party rights in respect of the premises being the premises admeasuring 3125 sq. ft. sellable area on the 12th floor of the building to be constructed by the Respondents to be known as Tulsi Chambers situated at Shivaji Nagar, Opposite Swastik Chambers, CST Road, Chembur, Mumbai 400 071 or an equivalent premises on any of the floor in respect of the said building and/or parting with possession in respect thereof in any manner whatsoever.

3. The Respondent shall be at liberty to file a reply within two weeks of the upload of this order on the website of this Court indicating why such ad-interim relief should not be confirm and why it should be vacated. Advocate for the Petitioner shall serve a copy of this order on the Respondent and file service affidavit to that effect before the next date.

4. List for further consideration on ***June 18, 2025.***

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.]