

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMM. ARBITRATION PETITION NO. 184 OF 2025**

Sahakar Builders And Developers ...Petitioner

Versus

Blue Sky Cooperative Housing
Society Limited ...Respondent

Advocate for the Petitioner appeared but appearance not given.

Mr. Vishal Pattabiraman i/b Ms. Neha Sonawane, for
the Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 3, 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. The Agreement contains the arbitration clause, which, in the interest of brevity, is not extracted herein.

2. After the matter was argued for some time, Learned Counsel for the parties agree that the existence of the arbitration agreement is not in dispute. In these circumstances, they are willing to proceed to arbitration

forthwith without the need for filing a formal Application under Section 11 of the Act.

3. This Section 9 Petition shall be treated as an Application under Section 17 of the Act by the arbitral tribunal appointed hereby. Given the efflux of time, the Petitioner is at liberty to modify or mould the contents of Section 9 Petition for its consideration as a Section 17 Application.

4. In these circumstances, the Section 9 Petition is hereby ***finally disposed of***, in terms of the following order:

A] Mr. Rohan Sawant, an advocate of 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;

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Alli Chambers, Tamarind Lane,

Kala Ghoda, Fort,

Mumbai - 400 001.

Email ID :- rohanranjitsavant@gmail.com

B] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Petitioner within a period of one week from the date on

which this order is uploaded on the website of this Court. The Petitioner 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. Needless to say, nothing contained in this order is an expression of an opinion on merits of the matter or the

relative strength of the parties. All issues on merits are expressly kept open to be agitated before the arbitral tribunal appointed hereby.

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.]