IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMM. ARBITRATION PETITION NO. 809 OF 2024

Sunil R. Shah ...Petitioner

Versus

Manish Doshi ...Respondent

Mr. Robin Jaisinghani *a/w Ms. Jacinta D'silva for the Petitioner.*
None for the Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.
DATE : MARCH 12, 2025

PC :

1. This is a Petition under Section 27 of the Arbitration and Conciliation Act, 1996 ("***the Act***"). It is seen from the Minutes of the Meeting held on October 4, 2024 that the Learned Arbitral Tribunal had approved approaching this Court under Section 27 of the Act and approved the filing of this Application.

2. Income Tax Returns relating to Assessment Years 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013, 2013-2014 and 2014-2015 and any subsequent returns filed thereafter in connection with the PAN No. xxxxxxx50Q, are sought. Essentially the details as set out in prayer clause contained in Paragraph No.12 of the Petition deserve to be obtained. Purely to avoid public dissemination of PAN number the aforesaid approach of masking the PAN number is adopted in this order. The Registry shall use the data provided in the prayer clause.

3. The assessment orders passed in respect of the same Income Tax Returns are also sought in this Petition. It is seen from the Minutes of the Meeting approved by the Learned Arbitral Tribunal dated October 4, 2024 that permission has indeed been given to file this Petition and that the Learned Arbitral Tribunal is of the view that since the claim relates to firm M/s. Ayappa Yogi Builders, who claims to be the owner of immovable property consisting of land and building titled “Modi Kunj” the Application has become necessary.

4. In these circumstances, this Petition is ***finally disposed of*** in the following terms:-

(a) The Registry shall issue witness summons to the Chief Commissioner of the Income Tax in Mumbai to issue instructions to the Income Tax Officer, Ward 24(3)(4) to produce the documents referred to in prayer clause (a)(i) and (a)(ii) of the Petition.

(b) Such summons shall be made returnable within four weeks from today, i.e., until ***April 9, 2025***. The information sought shall be submitted by the Income Tax authorities to the Learned Arbitral Tribunal directly with a copy marked to the Registry of this Court for its record.

3. 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.]