
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION PETITION NO.813 OF 2024

Excel Enterprises Realty LLP

...Petitioner

Versus

Sharmila S. Amin

...Respondent

Mr. Sarosh Bharucha a/w. *Tushar Gujjar, Deepak Singh & Ankush Shah i/b. SL Partners, Advocate for Petitioner.*

Mr. Rathore Sunil Kama, *Advocate for Respondent No.24.*

Mr. Aditya Vijay Sawant i/b. *Balasaheb Deshmukh, Advocate for Respondent No.26.*

Mr. J.S. Kini a/w. *Mr. AUM Kini i/b. Sapna Krishnappa, Advocate for Respondent No.27.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 29, 2025

PC :

1. To enable the parties to explore an opportunity to ventilate their grievances and find a middle path, so that this Court is not called upon to pass orders under Section 9 of the Arbitration and Conciliation Act, 1996 (*"the Act"*), the disputes between the parties shall be referred to mediation since many of their differences appear to be operational in nature, as also perceptions about the intentions of each other. It appears that the core grievance and concern of the members who have

not vacated their premises is that they are wrongly been labelled as non-cooperating members.

2. On the other hand, Learned Counsel for the society submits that the society has attempted to give its best to its members, and a majority agrees that the agreement signed with the developer is an appropriate one.

3. In these circumstances, to enable the parties to explore mediating their grievances, stand over to ***February 10, 2025*** under the caption ***“For Disposal-Section 9”***.

4. The parties shall approach Justice (Retired) S.J. Kathawalla, a formal Judge of this Court, no later than January 31, 2025 at the time convenient to him, and present all their differences before him to enable mediation of the disputes and differences between the parties.

5. With the aforesaid directions, stand over to ***February 10, 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.]