

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION (L) NO.6605 OF 2025

Raj DevelopersApplicant
Versus
Sai Laxmi Co Operative Housing Society Ltd.Respondent

**WITH
ARBITRATION PETITION NO.105 OF 2025**

Raj DevelopersPetitioner
Versus
Sai Laxmi Co Operative Housing Society Ltd.Respondent

Ms Rohina Shaikh, Advocate for Applicant/Petitioner.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 17, 2025

PC :

1. This Petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (***“the Act”***) seeking appointment of an arbitrator in connection with disputes and differences arising out of the Memorandum of Understanding dated October 8, 2024. The arbitration agreement is contained at Clause YY (found at Page 46 of the Petition). In the interest of brevity, the same is not reproduced here. Suffice it to say that the matter falls within the jurisdiction of this Court.

2. Today, when the matter is called out, Learned Counsel for the parties jointly submit that they would be agreeable to have all the disputes and differences between them in connection with the aforesaid agreements referred to resolution by an arbitral tribunal, leaving it open to the parties to seek such interlocutory reliefs as they may desire from the arbitral tribunal.

3. In these circumstances, this Petition is *finally disposed of* by referring all disputes and differences covered by this proceeding to arbitration by the Learned Sole Arbitrator hereby appointed in the following terms:-

A] Mr. Anuj Desai, a Learned Advocate of this 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.

B] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Applicant within a period of one week from today. The Applicant 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 and;

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.

4. ***Arbitration Petition No.105 of 2025*** is filed under Section 9 of the Act between the same parties. By consent of the parties, the said Section 9 Petition is hereby converted into an Application under Section 17 of the Act for immediate consideration by the arbitrator. It is made clear that even if the arbitrator was to be presented with the application under Section 16, the arbitrator would apply his mind to interlocutory arrangements necessary so that the arbitration is not rendered infructuous.

5. In the aforesaid directions, both the captioned proceedings are finally disposed of.

6. Given the efflux of time, should the contents of the Section 9 Petition have to be modified to bring on record subsequent developments, the Petitioner shall have liberty to do so.

7. 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.

8. 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.]