

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

506-ARBITRATION PETITION NO. 372 OF 2025

Notan Residency Private Limited

...Petitioner

Versus

Juhu Neptune Apartment Co Operative
Housing Society Ltd & 6 Ors.

...Respondents

AND

49-ARBITRATION APPLICATION (L) NO. 26130 OF 2025

Notan Residency Private Limited

... Applicant

Versus

Juhu Neptune Apartment Co Operative
Housing Society Ltd

...Respondents

Mr. Sean Wassoodew, for Petitioner/Applicant.

Adv. Ashna Shah, for Respondent No. 1.

Adv. Dhanashree Padwal, for Respondent Nos. 5 and 6 in ARBP-
372-2025.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : SEPTEMBER 19, 2025

Order :

1. Arbitration Petition No. 372 of 2025 is a Petition under Section 9 of the Arbitration and Conciliation Act, 1996. (“***the Act***”).
2. Since, it is the case of the Petitioner that certain amounts have already been paid in the past, and that must be adjusted against the amounts directed to be deposited in terms of our order dated August

22, 2025, liberty to explain the same to the Court Receiver and provide evidence of past payments against which credit is sought in respect of the deposit.

3. Arbitration Application (L) No. 26130 of 2025 is an application filed under Section 11 of the Act, seeking appointment of an arbitrator in connection with disputes and differences that are said to have arisen between the parties under the Development Agreement dated November 19, 2025 (“*Agreement*”).

4. The captioned proceedings are *disposed of* by noting that the parties have consent to appoint an arbitrator in the following terms :

A] Mr. Vivek Walawalkar, an advocate of this Court (Email : vivzong@hotmail.com), 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 the date on which this order is uploaded on the website of this Court. 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;

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 Arbitral 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. The captioned proceedings stand *disposed of* in the aforesaid terms.

7. In view of the disposal of the proceedings, attendant Interim Applications, if any, also stand *disposed of*.

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.]