

Salgaonkar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

COMMERCIAL ARBITRATION PETITION (L) NO.21337 OF 2025

WITH

COMMERCIAL ARBITRATION PETITION (L) NO.21227 OF 2025

Pagarani Universal Infrastructure .. Petitioner
Pvt. Ltd.

Versus

Hicons Developers Pvt. Ltd. .. Respondent

WITH

COMMERCIAL ARBITRATION PETITION (L) NO.21230 OF 2025

WITH

COMMERCIAL ARBITRATION PETITION (L) NO.21349 OF 2025

WITH

COMMERCIAL ARBITRATION PETITION (L) NO.21401 OF 2025

Universal Import Export and .. Petitioner
Hospitality Pvt. Ltd.

Versus

Hicons Developers Pvt. Ltd. .. Respondent

WITH

COMMERCIAL ARBITRATION APPLICATION (L) NO.33072 OF 2025

WITH

COMMERCIAL ARBITRATION APPLICATION (L) NO.33087 OF 2025

Pagarani Universal Infrastructure .. Petitioner
Pvt. Ltd.

Versus

Hicons Developers Pvt. Ltd. .. Respondent

WITH
COMMERCIAL ARBITRATION APPLICATION (L) NO.500 OF 2025
WITH
COMMERCIAL ARBITRATION APPLICATION (L) NO.33334 OF 2025
WITH
COMMERCIAL ARBITRATION APPLICATION (L) NO.33500 OF 2025

Universal Import Export and .. Petitioner
Hospitality Pvt. Ltd.

Versus

Hicons Developers Pvt. Ltd. .. Respondent

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Mr.Zubin Behramkamdin, Senior Advocate with Mr.Gaurav Sharma and Mr.Chiraya Sonavane for the Petitioner in all the Petitions.

Mr.Chetan Kapadia, Senior Advocate with Mr.Aamir Qureshi and Mr.Amog Singh for the Respondent in all the Applications.

CORAM: BHARATI DANGRE, J.

DATE : 14th NOVEMBER, 2025

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P.C:-

1. The five Section 9 Petitions being listed with Section 11 Applications are filed by the individual Petitioners, in relation to distinct flats, in the proposed residential building to be known as 'Universal Shubh Hari' being constructed on land bearing No. CTS No. E/126,FP No. 665 of TPS III situated at Bandra (West), Mumbai. It is the claim of the Petitioners that the Respondent had given a final allotment letter to each of the Petitioner, setting out the carpet area to which they were entitled to in the newly constructed building at Bandra (W) in the Registration Sub-District of Mumbai Suburban. However,

being aggrieved by the cancellation of allotment letter, Petitions under Section 9 of the Arbitration and Conciliation Act, 1996 came to be filed, seeking interim measures of staying the implementation and operation of the cancellation letter.

2. The allotment letters compromise of an arbitration clause in form of Clause No.50, which clearly stipulate that any disputes and/or differences arising with regard to the subject matter of that allotment letter or matters incidental shall be referred for arbitration to a Sole Arbitrator, to be mutually appointed by the parties.

3. Section 9 Petitions, on being heard, upon the pleadings being completed, learned senior counsel Mr.Kapadia would invite my attention to the order dated 06/10/2025, where the Court recorded thus:

2. Learned Senior Counsel for the Respondent submits that there has been a subsequent development which may or may not have a bearing on this matter, namely, the execution of a joint venture agreement between the Respondent and a third party. He has personally not seen a copy of this agreement and needs time to examine the same before being able to assist the Court.

3. Stand over to October 13, 2025 with the understanding obtaining as of today shall continue until the next date.”

He, however, do not dispute the existence of an arbitration clause and the existence of dispute between the parties.

4. Mr.Kapadia has no hesitancy in the dispute being made over to Sole Arbitrator, but he has invited my attention to the

recording in the order dated 06/10/2025, in relation to which the learned senior counsel for the Petitioner, does not have instructions.

By leaving this issue to be raised before the Arbitrator, I see no hesitancy in referring the parties to arbitration by permitting conversion of Section 9 Petitions into an application under Section 17, to be placed before the Sole Arbitrator for consideration, and also with liberty to file such pleadings which are necessary in that regard.

During the course of hearing, learned senior counsel Mr.Kapadia has handed over a copy of the Joint Venture Development Agreement dated 24/09/2025 to the learned counsel for the Petitioner.

5. Since there are five Petitions filed under Section 9 and five Applications under Section 11 of the Arbitration and Conciliation Act, 1996, parties are agreeable that they shall be treated as one reference before the learned Arbitrator.

Hence, the following order :-

: **ORDER** :

A] **Mr.Akil Kureshi, Retd. Chief Judge of Rajasthan High Court** is hereby appointed as the Sole Arbitrator to adjudicate upon the disputes and difference between the parties arising out of and in connection with the Agreement referred to above. The contact details of the arbitrator are as under :-

Office Address : 617, Raheja Chambers, 6th floor,
Free Press General Marg,
213, Nariman Point, Mumbai -21
Contact No. : 94084 81511
E-mail ID : akil.kureshi@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 prove 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 by him, to obtain appropriate direction with regard to conduct of the arbitration including fixing a schedule for pleadings, examination of witnesses, if any, schedule of hearings etc.

E] The Sole Arbitrator shall be entitled for the fees as per the 4th Schedule of the Arbitration and Conciliation Act, 1996 and the arbitral costs and fees of the Arbitrator shall be borne by the parties in equal portion and shall be subject to the final Award that may be passed by the Tribunal.

6. The Petitions filed under Section 9 are permitted to be converted into applications under Section 17, with an additional pleadings permitted to be filed, at the discretion of the sole Arbitrator.

7. All issues on merits are expressly kept open to be agitated before the Arbitral Tribunal appointed as above.

8. All Arbitration Petitions as well as the Applications stand disposed of.

(BHARATI DANGRE, J.)