

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION PETITION (L) NO.18716 OF 2025

Matangi Niwas CHSL

....Petitioner

Versus

M/s Yashodanand Realtors & Anr.

....Respondents

Mr. Harjot Singh *a/w. Prime Legem, Advocates for Petitioner.*

Ms. Ashmita Goradia *i/b. Devika M. Kakod, Advocate for Respondent No.1.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : JULY 31, 2025

ORDER :

1. This Petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (*"the Act"*).
2. Learned Counsel for the Respondents submits that he has no quarrel with the existence of an arbitration agreement and Respondents are willing to proceed to arbitration forthwith. In these circumstances, all disputes and differences covered by this Petition stand referred without the need for filing a formal Application under Section 11 of the Act.
3. The parties are hereby referred to arbitration by consent. The Learned Arbitral Tribunal shall convene at the earliest to hear the

parties and what is to be done with the interlocutory arrangements obtaining till date, these proceedings shall be converted into proceedings under Section 17 of the Act.

3(A) :- Meanwhile, disclosures as sought in terms of prayer clause (r) and (aa) are granted, which read thus :-

(r) This Hon'ble Court be pleased to pass an appropriate order and for all direction directing Respondent No.1 to disclose and provide the outstanding Property Tax of the Petitioner Society;

(aa) This Hon'ble Court be pleased to pass an appropriate order and for all direction directing Respondent No. 1 to disclose the true and fair disclosures in respect of numbers of reconstitutions in respect of Respondent No. 1 and how many of them are registered with registrar of firms;

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

A] Ms. Neeta Jain, an Advocate of this Court is hereby appointed as a nominee Arbitrator on behalf of the Respondent to adjudicate upon the disputes and differences between the parties arising out of and in connection with the Agreement referred to above. The contact details of the Learned Arbitrator are as under :-

C/o. Gaurav Joshi, Senior Advocate,
3rd Floor, Fort Chambers,
'B' Wing, Hamam Street,
Fort, Mumbai – 400 001.
Email id : neetanaik.jain@gmail.com

B] A copy of this Order will be communicated to the nominee Arbitrators 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 two nominee Arbitrators shall appoint the presiding Arbitrator. The Petitioner shall provide the contact and communication particulars of the parties to the Arbitral Tribunal along with a copy of this Order;

C] The Arbitral Tribunal 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 Arbitral Tribunal 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 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. 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.]