

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

COMMERCIAL ARBITRATION PETITION NO.320 OF 2025

S A Developers

....Petitioner

V/S

The Popular House Co-operative
Housing Society Limited

....Respondent

Mr. Kunal Bhanage with Mr. Ketan Parekh, Mr. Akshay Pawar i/b K.R. Parekh & Co. *for the Petitioner.*

Mr Nikhil Rajani (through video conferencing) with Mr. Ajay Deshmukh i/b V. Deshpande & Co. *for Respondent.*

CORAM : SANDEEP V. MARNE, J.

DATE : 6 APRIL 2026.

P.C.:

1. This is a Petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (**Arbitration Act**) arising out of Development Agreement dated 26 November 2013. As the hearing of the Petition progressed, Mr. Rajani, the learned counsel appearing for the Respondent-Society fairly admits existence of arbitration agreement. In my view therefore, instead of this Court considering grant of interim measures in favour of the Petitioner-Developer, it would be appropriate to constitute Arbitral Tribunal comprising of a sole Arbitrator. Both the learned counsel have agreed for appointment of Mr. Abhishek Karnik, an Advocate of this Court as the sole Arbitrator for adjudication of disputes and differences between the parties.

2. Accordingly, I proceed to pass the following order:

A) Mr. Abhishek Karnik, an Advocate of this Court is appointed as sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of the Development Agreement referred to above. The contact details of the learned sole Arbitrator are as under:

Office Address:- C/o. Dr. Birendra Saraf, 302, Oval House,
British Hotel Lane, Off. Nagindas Master Road,
Fort, Mumbai – 400 001.

Mobile No.: 99303 51706.

E-mail ID:- adv.amkarnik@gmail.com

B) A copy of this order be communicated to the learned sole Arbitrator by the Advocate for the Petitioner within a period of one week from the date of uploading of this order. The Applicant shall provide the contact and communication particulars of the parties to the Arbitral Tribunal alongwith 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 Arbitration 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 learned sole Arbitrator shall be entitled to the fees prescribed under the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018 and the arbitral costs and fees of the learned sole 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.

3. Present Petition is converted into Application under Section 17 of the Arbitration Act to be decided by the Arbitral Tribunal on its own merits.

4. All contentions of the parties on merits are expressly kept open to be agitated before the Arbitral Tribunal appointed as above.

5. With the above directions, Commercial Arbitration Petition is **allowed and disposed of**. There shall be no order as to costs.

(SANDEEP V. MARNE, J.)

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signed by
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