



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO.667 OF 2025

Jogesh Co operative Housing Society
Limited

...Petitioner

V/s.

KCD Heritage Private Limited

...Respondent

WITH
ARBITRATION APPLICATION NO.486 OF 2025

Jogesh Co operative Housing Society
Limited

...Applicant

V/s.

KCD Heritage Private Limited

...Respondent

Mr. Ooril Panchal with *Ms. Vidhi Gosar and Ms. Vidhi Jain for the
Petitioner/Applicant.*

Mr. Archit Jayakar with *Mr. Rishi Patodia i/b. M/s. Jaykar and Partners for
the Respondent.*

CORAM: SANDEEP V. MARNE, J.

DATED: 18 MARCH 2026.

P.C.:

1) These are the proceedings filed under Sections 9 and 11 of the Arbitration and Conciliation Act, 1996 (**the Arbitration Act**) for seeking interim measures and for constitution of Arbitral Tribunal for adjudication of disputes and differences that have arisen between the

parties on account of performance of Development Agreement dated 27 January 2020.

2) One of the grievances of the Petitioner -Society is that the Respondent has failed to clear the arrears of transit rent. Mr. Jayakar, the learned counsel appearing for the Respondent-Developer has handed over cheque in respect of amount of Rs.30,67,656/- representing transit rent for a period upto 20 February 2026. The cheque is however, post dated and bears the date of 30 April 2026.

3) Mr. Jayakar, on instructions, makes a statement that fund arrangements would be made to ensure that cheque dated 30 April 2026 is encashed. Statement is accepted as undertaking given to the Court.

4) Mr. Panchal disputes correctness of the amount in the cheque as fulfillment of liability towards transit rent is upto 20 February 2026. He however, accepts the cheque on without prejudice basis.

5) There is no dispute about existence of arbitration agreement between the parties. Both the parties jointly request for constitution of Arbitral Tribunal comprising of a sole Arbitrator. Since the Arbitral Tribunal is being constituted and some concerns relating to transit rent are addressed at this moment in my view it would be appropriate to relegate the Petitioner-Society to remedy under Section 17 of the Arbitration Act before the Arbitral Tribunal.

6) Accordingly, with consent of the parties, I proceed to pass the following order:-

(A) Ms. Alpana Ghone, an Advocate of this Court is appointed as sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of Development Agreement dated 27 January 2020. The contact details of the Arbitrator are as under:-

Office Address:- 53, Ajaydeep House, 240 Perin Nariman Street, Fort, Mumbai- 400 001.

Email id:- alpana@alpanaghone.com

Mobile No.:- 89288005098

(B) A copy of this order be communicated to the learned sole Arbitrator by the Advocates for the Petitioner within a period of one week from the date of uploading of this order. The Petitioner 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 Act to the parties within a period of 2 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 her, 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 fees of the sole Arbitrator shall be as prescribed under the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018 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.

7) Parties would be free to apply for interim measures before the Arbitral Tribunal under Section 17 of the Arbitration Act and such application shall be decided by the Arbitral Tribunal on their own merits.

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

9) With the above directions, the Application and the Petition are **disposed of**.

[SANDEEP V. MARNE, J.]