



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION APPLICATION NO.35 OF 2026

WITH

COMMERCIAL ARBITRATION PETITION (L) NO. 34039 OF 2025

Godavari Daga

...Applicant

V/s.

Nine Globe Builders and Ors.

...Respondents

WITH

COMMERCIAL ARBITRATION APPLICATION NO.36 OF 2026

WITH

COMMERCIAL ARBITRATION PETITION (L) NO. 34036 OF 2025

Godavari Daga

...Applicant

V/s.

Nine Globe Builders and Ors.

...Respondents

WITH

COMMERCIAL ARBITRATION APPLICATION NO.37 OF 2026

WITH

COMMERCIAL ARBITRATION PETITION (L) NO. 34023 OF 2025

Godavari Daga

...Applicant

V/s.

Nine Globe Builders and Ors.

...Respondents

COMMERCIAL ARBITRATION APPLICATION NO.38 OF 2026

WITH

COMMERCIAL ARBITRATION PETITION (L) NO. 34168 OF 2025

Godavari Daga

...Applicant

V/s.

Nine Globe Builders and Ors.

...Respondents

WITH

COMMERCIAL ARBITRATION APPLICATION NO.40 OF 2026

WITH

COMMERCIAL ARBITRATION PETITION (L) NO. 34049 OF 2025

Godavari Daga

...Applicant

V/s.

Nine Globe Builders and Ors.

...Respondents

WITH

COMMERCIAL ARBITRATION APPLICATION NO.84 OF 2026

WITH

COMMERCIAL ARBITRATION PETITION (L) NO. 34083 OF 2025

Godavari Daga

...Applicant

V/s.

Nine Globe Builders and Ors.

...Respondents

WITH

COMMERCIAL ARBITRATION APPLICATION NO.85 OF 2026

WITH

COMMERCIAL ARBITRATION PETITION (L) NO. 34078 OF 2025

Godavari Daga

...Applicant

V/s.

Nine Globe Builders and Ors.

...Respondents

WITH
COMMERCIAL ARBITRATION APPLICATION NO.34 OF 2026
WITH
COMMERCIAL ARBITRATION PETITION (L) NO.34041 OF 2025
Godavari Daga ...Applicant

V/s.

Nine Globe Builders and Ors. ...Respondents

Ms. Shriya Mehta *i/b Mr. Akshay C. Pawar for Applicant.*

Ms. Shaily Jain *i/b Bafna Law Associated, for Respondent No. 1.*

Ms. Mehernaz Contracor, *for Respondent No. 2.*

Mr. Aniket B. Rathod *with Mr. Anshu Agrawal, Mr. Pradyumna Agrawal, Ishan Agrawal and Mr. Bhushan Shinde i/b Pushpa Ganediwala and Co., for Respondent No. 4 and 5.*

CORAM: SANDEEP V. MARNE, J.

DATED: 22 April 2026.

P.C.:

1) Arbitration Petition (L) Nos. 34039 of 2025, 34036 of 2025, 34023 of 2025, 34168 of 2025, 34049 of 2025, 34083 of 2025, 34078 of 2025, 34041 of 2025 and Arbitration Application No. 34 of 2026 are not on board. At the request of learned counsel appearing for the Petitioner, the same are taken on board for analogous hearing alongwith Section 11 Applications. The copies of Section 9 Petitions shall be served on the Respondents by the Petitioner.

2) These are proceedings filed under Section 9 and 11 of the Arbitration and Conciliation Act, 1996 (**the Arbitration Act**) for seeking interim measures and for appointment of Arbitrator. The disputes and differences have arisen between the parties out of the concerned Agreements for Sale.

3) I have heard Mr. Mehta, the learned counsel for Applicant., Ms. Jain, the learned counsel for Respondent No. 1. Ms. Contracor, the learned counsel for Respondent No. 2 and Mr. Rathod, the learned counsel for Respondent No. 4 and 5.

4) Perusal of the Agreements for Sale would indicate presence of arbitration agreement in clause 56 in each of the agreements. The seat of the Arbitration is at Mumbai. I am therefore prima facie satisfied about existence of arbitration agreement between the parties.

5) The learned counsel appearing for Respondent Nos. 1 and 2 complain about non service of invocation notice dated 28 April 2025. Respondent No. 1 is the partnership firm and rest of the Respondents are its partners. Applicant has dispatched the invocation notices at the address of Respondent Nos. 1 to 4 as indicated in the Agreements for Sale. Thus, the invocation notices are rightly dispatched at the address disclosed by the partnership firm. Similarly, the invocation notices are also dispatched on the individual addresses of the partners as were made known to the Applicant. Respondent Nos. 4 and 5 do not complain about service of invocation notices. In that view of the matter, it cannot be

contended that the Applications are defective for want of service of invocation notices.

6) Since this Court is *prima facie* satisfied about existence of arbitration agreement between the parties, it would be just and proper to constitute Arbitral Tribunal comprising of a sole Arbitrator for adjudication of disputes arising out of the concerned Agreements.

7) Accordingly, I proceed to pass the following order:-

(A) Smt. Justice Mridula Bhatkar, former Judge of this Court is appointed as sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of concerned agreement. The contact details of the Arbitrator are as under :-

Office Address :	Flat No. 501, "Saket", Near Balmohan Vidyamandir, Dr. M. B. Raut Marg, Shivaji Park, Dadar (W), Mumbai- 400 028
Email id :	jmridula@gmail.com

(B) A copy of this order be communicated to the learned sole Arbitrator by the Advocates for the Applicant 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 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.

8) Arbitration Petition (L) Nos. 34039 of 2025, 34036 of 2025, 34023 of 2025, 34168 of 2025, 34049 of 2025, 34083 of 2025, 34078 of 2025 and 34041 of 2025 are permitted to be converted into Applications under Section 17 of the Arbitration Act to be decided by the Arbitral Tribunal.

9) All rights and contentions of the parties are expressly kept open to be agitated before the Arbitral Tribunal.

10) With the above directions, all the Petitions and the Applications are **disposed** of.

[SANDEEP V. MARNE, J.]