



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION PETITION NO.284 OF 2025

Indus Realty

...Petitioner

V/s.

Dhavalgiri Co-operative Housing
Society Ltd. And Ors.

...Respondents

Ms. Rohaan Cama with Mr. Kyrys Modi i/b. Ms. Sapana Rachure for the
Petitioner.

Ms. Ayushi Anandpara with Mr. Aaryan Gaur & Mr. Amit Chavan i/b. Mr.
Tatsat Gor for Respondent No.1.

Mr. Aman Sadiwala i/b. Mr. Shyam Singh for Respondent No.3.

CORAM: SANDEEP V. MARNE, J.
DATED: 11 FEBRUARY 2026.

P.C.:

1) This is a Petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (**the Arbitration Act**) for seeking interim measures before commencement of arbitral proceedings.

2) By order dated 29 April 2025 this Court has directed that any activities would be subject to outcome of the Petition.

3) As the hearing of the Petition progressed, Mr. Cama, the learned counsel appearing for the Petitioner submits that if the Arbitral

Tribunal is constituted, Petitioner is willing to exercise remedy of further interim measures under Section 17 of the Arbitration Act before the Arbitral Tribunal.

4) Ms. Anandpara, the learned counsel appearing for Respondent No.1-Society does not dispute existence of arbitration agreement with the Petitioner.

5) However, Mr. Sadiwala, the learned counsel appearing for Respondent No.3-Developer contends that there is no arbitration agreement between the Petitioner and Respondent No.3. He however, submits that in the event Petitioner impleads Respondent No.3 as party to arbitration proceedings, liberty be granted to Respondent No.3 to question his impleadment on the ground that he is not a veritable party to the MoU executed between the Petitioner and Respondent No.1-Society.

6) Mr. Cama submits that in the event Arbitral Tribunal rules that Respondent No.3 is not a veritable party, liberty be granted to the Petitioner to file fresh petition under Section 9 of the Arbitration Act for claiming interim measures against Respondent No.3 as the Petitioner would not then be in a position to seek interim measures against Respondent No.3 in an Application under Section 17 of the Arbitration Act.

7) In view of the above discussion, I proceed to pass the following order:-

(A) Mr. Jehangir Jejeebhoy, an Advocate of this Court is appointed as sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of the concerned agreement. The contact details of the Arbitrator are as under :

Office Address:- 101, Hamam House, Hamam Street,
Fort, Mumbai-400 023.

Mobile No.:- 9820395211

Email ID:- jejeebhoy@gmail.com

(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 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 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) The direction of making the activities subject to outcome of the Petition granted by order dated 29 April 2025 shall continue to operate till Arbitral Tribunal decides application for interim measures under Section 17 of the Arbitration Act.

9) Present Petition is converted into Application under Section 17 of the Arbitration Act, which shall be decided by the Arbitral Tribunal on its own merits.

10) All rights and contentions of the parties, particularly contention of Respondent No.3 that it is not a veritable party to the MoU, are kept open. In the event the Arbitral Tribunal rules that Respondent No.3 cannot be a party to the arbitral proceedings, Petitioner would be at liberty to file Application under Section 9 of the Arbitration Act for claiming interim measures *inter-alia* against Respondent No.3.

11) With the above directions, the Petition is **disposed of**.

[SANDEEP V. MARNE, J.]