

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

**ARBITRATION APPLICATION NO. 108 OF 2026**

Shree Samarth Sahavas Co-op. Hsg. ...*Applicant*  
Soc. Ltd through its Secretary, Mr.  
Pravin Pandurang Loke  
V/s.

Joshi Enterprises through its present ...*Respondent*  
partners

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**Mr. Vinay Kadam** with Ms. Shristi More i/b Amanchi Legal & Co. for the  
Applicant.

**Mr. Suyash Gadre** with Mr. Sameer Pendse, Ms. Trupti Dabke i/b Mr.  
Abhishek Thoke for Mr. Sunil Limaye, Retired Partner of the Respondent.

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**CORAM: SANDEEP V. MARNE, J.**

**DATED: 29 April 2026.**

**P.C.:**

- 1) This is an application filed under Section 11 of the Arbitration and Conciliation Act, 1996 arising out of Development Agreement (DA).
- 2) I have heard Mr. Kadam, the learned counsel appearing for the Applicant and Mr. Gadre, learned Counsel appearing on behalf of the Respondent.

3) By order dated 27 March 2026, this Court had issued notice to the Respondent and had granted hamdust. Affidavit of service indicates that hamdust notice has been served on the Respondent. However, none appears on behalf of the Respondent-Firm. Mr. Gadre, appears on behalf of retired partner of the Respondent. He submits that his client has an actionable claim against the Respondent-Firm. It is doubtful at this stage whether the retired partner can seek adjudication of his claim against the Respondent-Firm.

4) So far as the Petitioner and the Respondent is concerned, the Development Agreement is executed. Perusal of the DA would indicate presence of arbitration agreement in Clause-37. The seat of arbitration is at Mumbai. I am therefore prima-facie satisfied about existence of arbitration agreement between the Petitioner and Respondent-Partnership Firm. In that view of the matter, I proceed to pass the following order :

(A) Dr. Pallavi Divekar, an Advocate of this Court is hereby appointed as Sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of Development Agreement. The contact details of the Arbitrator are as under :

Office Address :- 1st Floor, Rajabahadoor Mansion 14

Ambalal Doshi Marg, Fort, Mumbai-23.

Email ID :-           divekars@divekarandco.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 upload 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 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 Arbitrator shall be borne by the parties in equal proportion and shall be subject to the final Award that may be passed by the Tribunal

5)           All issues on merits are expressly kept open to be agitated before the Arbitral Tribunal. It would be open for the Applicant-Society to decide whether to implead existing and/or retiring partners of the Respondent-Firm. If the retiring partners of the Respondent-Firm

believe that their claims can also be adjudicated in arbitration conducted with the Applicant-Society, it will be open for them to take appropriate steps in that regard. However, no opinion is expressed on arbitrability of claims of retiring partners against the firm in arbitration initiated by the Applicant-Society.

6) With the above directions, the Arbitration Application is **allowed and disposed of.**

**[SANDEEP V. MARNE, J.]**