



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION (ST) NO.4758 OF 2026

Gokul Infra Development

...Petitioner

Versus

Mangaldeep Co-op. Housing Soc. Ltd.

...Respondent

Mr. Sarthak S. Diwan for the Petitioner.

Mr. Sanjeev Sawant a/w Ms. Ruchita Kadam i/by Mr. Abhishek Deshmukh for the Respondent.

CORAM : JITENDRA JAIN, J.

DATE : 23 APRIL 2026

P.C.:

1. Reply of the respondent is taken on record.
2. This petition is filed for appointment of an Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996 ("the Act") since there is a dispute between the petitioner and respondent under Memorandum of Understanding (MoU) dated 4 September 2023. Clause 30 of the said agreement is an arbitration agreement. On 23 January 2025, the arbitration clause was invoked.
3. Mr. Sawant, learned counsel for the respondent submits that in the orders passed under Section 9 of the Act, there are observations that the claim is barred by limitation in addition to other findings. He also further states that the respondent has appointed new developer on 14 November 2024. He further submits that there are various other submissions to demonstrate that there is no merit in the claim.
4. After having heard learned counsel for both the parties, I am of the view that all the contentions of both the parties can be raised before the learned Arbitrator and, therefore, the submissions made by



the parties are not considered in the present petition. All contentions are kept open of both the parties.

5. Since there is a dispute between the parties and there is an arbitration agreement, Mr. Rajesh Mogare, advocate is appointed as a sole Arbitrator for resolving the dispute. The cost of arbitration including the Arbitrator's fees will be shared equally. The fees of the Arbitrator will be agreed upon by the parties and Arbitrator and while deciding the fees, the relevant rules or any other provisions of the Act may be considered. Mr. Sawant, learned counsel for the respondent states that they would be filing counter claim.

6. In these circumstances, this petition is finally disposed of in terms of the following order :-

- A) Mr. Rajesh Mogare, learned advocate of this Court is hereby appointed as the Sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of and in connection with the Agreement referred to above;

Office address : At Bhandari Samaj Building, Kacheri
Road, Behind Aryan School, Palghar
West, Taluka Palghar, District Palghar –
401 404

Email ID : advocatemogare@gmail.com

Contact No. : 9823419002

- B) A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Petitioner within a period of one week from the date of upload of this order. The petitioner shall provide the contact and communication particulars of the parties to the Arbitral Tribunal along with 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 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, to obtain appropriate directions with regard to conduct of the arbitration including fixing a schedule for pleadings, examination of witnesses, if any, schedule of hearings etc. At such meeting, the parties shall provide a valid and functional email address along with mobile and landline numbers of the respective Advocates of the parties to the Arbitral Tribunal. Communications to such email addresses shall constitute valid service of correspondence in connection with the arbitration;
- E) All arbitral costs and fees of the Arbitral Tribunal shall be borne by the parties equally in the first instance, and shall be subject to any final Award that may be passed by the Tribunal in relation to costs.

7. Needless to say, nothing contained in this order is an expression of an opinion on merits of the matter or the relative strength of the parties. All issues on merits are expressly kept open to be agitated before the arbitral tribunal appointed hereby.

8. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

9. It is expressly made clear that this Court has not expressed any opinion on the orders passed under Section 9 or any proceedings arising therefrom.

10. Petition is disposed of in above terms.

[JITENDRA JAIN, J.]