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

**COMMERCIAL ARBITRATION PETITION (L) NO.171 OF 2019**

Devkinandan Mithailal Pasi and anr ... Petitioners.

V/s.

M/s Royal Realtors and ors ... Respondents

- Mr. Sandeep Maurya a/w Ms. Kavita Vishwakarma, for the Petitioner.
- Mr.R. P. Ojha, for respondent Nos 1 to 3.

**CORAM : G. S. KULKARNI, J.**

**DATE : 13<sup>th</sup> MARCH, 2019.**

**P.C. :**

1] Heard Mr. Sandeep Maurya, learned counsel for the petitioner and Mr. R.P. Ojha, learned counsel for respondent Nos. 1 to 3.

2] By this petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (for short, "ACA"), the petitioner prays for interim reliefs pending the arbitration proceedings.

3] After this petition was heard for sometime, the learned counsel for the parties, on instructions of their clients, are agreeable that the disputes and differences between the parties be referred for adjudication by appointing an arbitral tribunal.

4] Learned counsel for the parties are also agreeable that this



petition can be converted in an application under Section 17 of ACA to be adjudicated by the arbitral tribunal. In view of the above consensus between the parties, this petition can be disposed of by permitting the petitioner to convert this petition into application under Section 17 of the ACA. Hence, following order:-

Order

i] Mr. Rohan Sawant, Advocate, is appointed as the prospective sole Arbitrator to adjudicate the disputes and differences between the parties, arising under the agreement dated 26.12.2006;

ii] The prospective sole arbitrator, fifteen days before entering the arbitration reference, shall forward a statement of disclosure as per the provisions of Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996, to the Prothonotary & Senior Master of this Court, to be placed on record of this Petition with a copy to be forwarded to both the parties;

iii] This petition filed under Section 9 of ACA, is permitted to be converted as Application under Section 17 of the ACA, to be adjudicated by the arbitral tribunal.

iv] The arbitral Tribunal shall endeavour to adjudicate the application under Section 17 of the ACA as expeditiously as possible preferably within a period of two months from the date of entering reference;

iv] At the first instance, the parties shall appear before the prospective arbitrator within 10 days from today at a date and time as may be fixed by the prospective arbitrator;



v] All contentions of the parties are expressly kept open;

v] The Arbitration petition is disposed of in the above terms. No costs.

5] Office to forward a copy of this order to the learned Arbitrator on the following address:

302, Oval House, British Hotel Lane  
Nagindas Master Road, Fort,  
Mumbai 400 023.  
Tel No.022620491/22620492  
Mob: 9833126212.

6] In the meantime, learned counsel for the respondent Nos. 1 to 3 makes statement that his client would not create any third party rights and interest in respect of premises as mentioned in prayer clause (f) of this petition. He also makes statement that in regard to premises which are mentioned in prayer clause (e) his clients are willing to execute necessary agreement. Statement is accepted.

[G. S. KULKARNI, J]

**Corrected as per speaking to minutes of the order dated 05.04.2019.**