



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMM. ARBITRATION PETITION (L.) NO. 9976 OF 2026

M/s. Amber Hotel ... PETITIONER

: VERSUS :

Mr. Obedullah Abbas Shelia & Anr. ... RESPONDENTS

Mr. Amogh Singh with Mr. Sarvesh K. Dixit and Mr. Adesh P. Jadhav, for the Petitioner.

Mr. I.A. Siddiqui with Mr. Daniyal Siddiqui, Ms. Utkarsha Kupe and Mr. Pravinchand Sawant, for Respondents.

CORAM : SANDEEP V. MARNE, J.

DATED : 15 APRIL 2026.

P.C :

1) This is a petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (**Arbitration Act**) seeking interim measures before commencement of arbitral proceedings. The disputes and differences between the parties have arisen out of Partnership Deed.

2) I have heard Mr. Singh, the learned counsel appearing for the Petitioner and Mr. Siddiqui, learned counsel appearing for the Respondents.

3) The disputes between the partners is over the redevelopment benefits receivable under the Development Agreement (**DA**) executed with the developer in respect of the premises in which the hotel was being operated by the Partnership



Firm. The DA is apparently executed in the year 2023. Since some time has elapsed from the date of execution of the DA, a suggestion was made to the learned counsel appearing for the Respondents as to whether Arbitral Tribunal can be constituted so that Petitioner can be relegated to remedy under Section 17 of the Arbitration Act. The suggestion is met with positive response by learned Counsel Mr. Siddiqui, who on instructions submits that Respondents are willing to go for arbitration. In my view therefore, it would be appropriate to constitute Arbitral Tribunal comprising of a sole arbitrator and to relegate the parties to remedy under Section 17 of the Act. I accordingly proceed to pass the following order :

(A) Ms. Simantini Mohite, an Advocate of this Court is hereby appointed as Sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of Partnership Deed referred to above. The contact details of the Arbitrator are as under :

Office Address :- 501, Oval House, British Lane, Nagindas Master Road, Opp. Commerce House, Fort, Mumbai-400 001.

Email ID :- simantini.mohite@gmail.com

Mobile No.:- 98335 45417

(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 upload 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 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.

4) The present petition is converted into application under Section 17 of the Arbitration Act to be decided by the Arbitral Tribunal on its own merits. All issues on merits are expressly kept open to be agitated before the Arbitral Tribunal appointed as above.

5) With the above directions, the Commercial Arbitration Petition is disposed of.

[SANDEEP V. MARNE, J.]

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