

provisions of the Companies Act, 1956)
having its Registered Office)
at _____,)
_____) ... PETITIONER

VERSUS

_____)
Co-operative Housing Society)
Limited, a society registered)
under the provisions of _____)
having Registration No.____ of _____)
and having its registered address)
at _____)
_____) ... RESPONDENT

TO,

**THE HON'BLE CHIEF JUSTICE AND
OTHER PUISNE JUDGES OF THE
HON'BLE HIGH COURT OF JUDICATURE
AT _____**

**THE HUMBLE PETITION OF THE
PETITIONER ABOVE NAMED:**

MOST RESPECTFULLY SHEWETH:

1. The Petitioner is a builder/developer and the original Claimant in the arbitration proceedings, which are the subject matter of the present Petition.

2. The Respondent society is an allottee and a lessee of a non-agricultural land admeasuring _____ sq. metres. situated on _____ (hereinafter “**the said property**”). The said allotted land is a Class II land owned by the Collector, Mumbai for the use of residential purposes and any development of the same was to be undertaken with the permission of the Collector. The said property of the Respondent Society comprises of two Buildings viz. Building ‘A’ occupied by its _____ members and Building ‘B’ occupied by its _____ members.
3. The present Petition challenges the Arbitral Award dated _____ (“**the Impugned Award**”), whereby the Learned Arbitrator has not only rejected the Petitioner’s claim for specific performance but has also refused to consider the Petitioner’s claim for damages. The Petitioner has challenged the Impugned Award interalia on the ground that the same is contrary to settled law and thus, in violation of the fundamental policy of Indian law. The Learned Arbitrator, by passing the Impugned Award, has in effect held that all development agreements entered into by societies are *per se* construction contracts and therefore, incapable of specific performance. Such an

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