

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 112 OF 2014**

Mr. Brandon Mendes,
R/O H. No. 396,
Opposite Moira Club,
Moira, Goa.

..... Petitioner

V e r s u s

Mr. Andrew Mathias,
R/O St. Anthony Apartments,
Mapusa, Goa.

..... Respondent

Mr. A. D. Bhobe, Advocate for the Petitioner.

Mr. B. Bandekar, Advocate for the Respondent.

CORAM: N. M. JAMDAR, J.

DATE: 9TH FEBRUARY, 2015.

ORL ORDER:

By this petition, the petitioner challenges the interim order passed by the sole arbitrator dated 12/11/2012.

2. Before proceeding to consider the matter on

merits, the scope of writ jurisdiction to entertain the challenge to the order of private arbitrator appointed by the parties needs to be noticed. The Apex Court in the decision of ***SBP & Co. v. Patel Engineering Ltd. (2005) 8 SCC 618*** and in the decision of ***Lalitkumar V. Sanghavi (Dead) Through LRS Neeta Lalit Kumar Sanghavi and another (2014) 7 Supreme Court Cases 255*** has laid down that writ jurisdiction ought not to be exercised to interfere with interim orders of the Arbitrator appointed by the parties. Section 5 of the Arbitration Act states that except for remedy provided under the Act, there shall be no other judicial proceedings.

3. Mr A. D. Bhole, the learned counsel for the petitioner submitted that the petitioner has no other remedy under the Act to challenge the impugned order and he can only challenge the order at the time of conclusion of the proceedings. That is because of the legislative intent of the Act.

4. In view of this position, the petition cannot be entertained. The petition is rejected. Since the petition is dismissed on the ground of maintainability all the contentions of the parties are kept open. Interim order stands vacated.

N. M. JAMDAR, J.

ap/-