

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 587 OF 2015

M/S. LAXMI AUTO CARE CENTRE AND
ANR.,

... Petitioners

Versus

INDIAN OIL CORPORATION LIMITED,
THROUGH ITS SENIOR DIVISIONAL
RETAIL SALES MANAGER AND ANR.,

... Respondents

Mr. S.G. Desai, Senior Advocate with Mr. Sandesh D. Padiyar,
Advocate for the Petitioners.

Mr. Nigel Da Costa Frias, Advocate for the Respondents.

Coram:- F. M. REIS &
C. V. BHADANG, JJ.

Date:- 22nd December, 2015

P.C:

Heard Mr. Desai, learned Senior Counsel appearing for the petitioners and Mr. Frias, learned Counsel appearing for the respondents.

2. The above petition was heard at length and during the course of the arguments, there were suggestions put up to the learned Counsel appearing on behalf of the respective parties considering the arbitration clause in the subject agreement between the petitioners and the respondents, whether it would be appropriate for the parties to appoint an Arbitrator to adjudicate the dispute between the parties. The learned Counsel appearing for the parties though, sought time to take instructions, were not in a position to accept the name of the arbitrator to adjudicate the dispute.

3. In such circumstances, we find it appropriate that without going into the merits of the rival contentions to dispose of the petition by granting liberty to the parties to proceed to appoint an Arbitrator in terms of the provisions of the Arbitration and Conciliation Act, 1996, in accordance with law. Mr. Desai, learned Senior Counsel, however submits that though, the petition may be disposed of, the interim relief granted by this Court on 29.07.2015 be continued till 30.01.2016, in order to enable the petitioners to take necessary steps for the appointment of an Arbitrator and seek reliefs in terms of Section 9 of the said Arbitration Act, 1996.

4. Mr. Costa Frias, learned Counsel appearing for the respondents has no objection, incase, the interim relief is continued, for such period. However, it is submitted that all contentions and defences of the respondents be kept open and the interim relief should be restricted only for such period.

5. In the peculiar facts and circumstances of the case, we find it appropriate to dispose of the above petition by giving liberty to the petitioner to take appropriate steps in terms of Section 9 of the Arbitration Act, 1996 and for the appointment of the arbitrator in accordance with law.

6. Interim relief granted by this Court on 29.07.2015 shall continue till 30.01.2016 and shall be automatically vacated thereafter. Needless to mention that we have not examined the correctness of the contentions, while disposing of the above petition and all the contentions of the parties on merits are left open.

C. V. BHADANG, J.

F. M. REIS, J.

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