

**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 707 OF 2014**

M/S. MAHALSA SERVICES THR ITS SOLE
PROPRIETOR MR. PRADIP P. SHET. ... Petitioner
Versus
GOA SHIPYARD LIMITED AND ANR. ... Respondents

Mr. Pankaj P. Pai Vernekar, Advocate for the Petitioner.
Mr. Sudesh Usgaonkar, Advocate for Respondent No.1.

Coram:- N. M. JAMDAR, J.

Date:- 17 February 2015

ORAL ORDER:

The petitioner challenges the interim order passed by a private Arbitrator during the arbitration proceedings. In view of the decision of the Apex Court in the case of ***SBP & Co. V/s. Patel Engineering Ltd.*** reported in ***(2005) 8 SCC 618*** and in the case of ***Lalitkumar V/s. Sanghavi (Dead) Through LRS Neeta Lalit Kumar Sanghavi and another*** reported in ***(2014) 7 SCC 255*** the petition cannot be entertained. The order is kept open to be challenged at the time of conclusion of the proceedings.

2. Mr. Pankaj Vernekar, the learned Counsel for the petitioner submitted that all that the petitioner had sought were certified copies of certain pleadings, which was an innocuous request. On the last occasion Mr. Sudesh

Usgaonkar, the learned Counsel for the respondent no.1 had submitted that he will join the petitioner in making a request to the Arbitrator to provide the documents to the petitioner to avoid any legal complications that may arise subsequently. The learned Counsel informed that the learned Arbitrator has not endorsed to their request.

3. Though I am not inclined to interfere in writ jurisdiction in view of the dicta of the Apex Court, I cannot help but observe that such an unopposed innocuous request, without any reasons, should not be rejected by the Arbitrator as it prolongs the litigation and adds a needless challenge to the award. It will be open to the Arbitrator to reconsider his decision. Writ petition is accordingly rejected.

N. M. JAMDAR, J.

NH/-