

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 913 OF 2014

The Kapol Co-Op. Bank Ltd.
(Multi State Schedule Bank)

.. Petitioner

vs.

Taher Impex Private Ltd.
and ors.

.. Respondents

Mr. R.M. Haridas for the Petitioner.

Mr. Dhirajkumar Totala i/b AZB & Partners for Respondent No.5.

CORAM : M. S. SONAK, J.

DATE : 14 JANUARY, 2015

P.C. :-

- 1] Not on board. Upon mentioning at 3.00 p.m., taken on board.
- 2] This petition is directed against an order made by the Arbitral Tribunal accepting the plea referred to in sub-section 2 of Section 16 of the Arbitration and Conciliation Act, 1996 (said Act).
- 3] As against, such acceptance of plea under sub-section 2 of Section 16 of the said Act, an appeal shall lie under Section 37 (2) of the said Act. Consequently, learned counsel for respondent No.5 is right in his submission that this petition ought not to be entertained.

4] Learned counsel for the petitioner concedes to the aforesaid position, but submits that since this petition had been filed soon after the Arbitral Tribunal made its order dated 1 October 2013, leave be granted to the petitioner to convert this petition into an appeal under Section 37(2) of the said Act.

5] Looking to the circumstances and with a view to avoid further procedural and logistical delays, such leave is granted. Accordingly, the petitioner to carry out necessary amendments to this petition within a period of four weeks from today.

6] Upon such amendments being carried out, the Registry to place the petition before the appropriate Court taking out appeals under Section 37(2) of the said Act.

(M. S. SONAK, J.)

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