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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.878 OF 2014

Vinay C. Garani & Ors. ...Petitioners  
V/s.  
Cholamandalam Investment & Finance Co. Ltd. ...Respondent

Mr.S.K. Jain i/b S.K. Jain & Associates for the Petitioners.  
Mr.Chinmay Gupte i/b Mr.Mohit Gadkari for the Respondent.

**CORAM : R.D. DHANUKA, J.**  
**DATE : 16TH FEBRUARY, 2015.**

**P.C. :-**

1. By consent of the parties, the following order is passed :-
  - i). The impugned awards dated 16<sup>th</sup> May, 2013 and 18<sup>th</sup> July, 2013 passed by the learned arbitrator are set aside.
  - ii). The parties have agreed that the arbitration proceedings should be heard *de-novo* by the learned arbitrator Mr.Vishal Kanade, advocate. The parties have agreed that the venue of the arbitration proceedings would be at Mumbai. If the respondent seeks to amend its claim, an appropriate application shall be made before the learned arbitrator and a copy thereof shall be served upon the petitioners. The petitioners shall be entitled to oppose such amendment in accordance with law. The respondent has agreed to furnish the

statement of claim along with all the documents which the respondent seeks to rely upon against the petitioners within two weeks from today upon the petitioners' advocate.

iii). The petitioners to file their written statement to the statement of claim within four weeks from the date of service of such statement of claim along with the documents and shall file a compilation of documents which the petitioners propose to rely upon in the arbitration proceedings.

iv). If the learned arbitrator allows any amendment to the statement of claim, the petitioners shall be permitted to file the additional written statement before the learned arbitrator.

v). Both the parties shall bear the fees of the learned arbitrator equally at the first instance. The learned arbitrator shall decide the matter afresh in accordance with law without being influenced by the observations and findings in the impugned awards which are set aside by this order and shall make an endeavour to make an award within six months from the date of the first meeting.

2. The arbitration petition is accordingly, disposed of in the aforesaid terms.

There shall be no order as to costs.

**(R.D. DHANUKA, J.)**