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

**ARBITRATION APPLICATION (L) NO. 450 OF 2015
WITH
ARBITRATION PETITION NO. (L) NO. 451 OF 2015**

M/s Jhaveri & Doshi Associates & M/s Jhaveri &
Associates

...Applicant/Petitioner

VS

Dwadash CHSL

...Respondent

.....
Mr P.M.Shah & M.K.Tanna for the Petitioner.

Mr Udayan Shah a/w Mr Virendra Pereira a/w Ms Devika Nigade i/b Divya Shah
Associates for the Respondent.

.....

CORAM : S.C. GUPTE, J.

MARCH 25, 2015

P.C. :

There are two applications before the Court, one under Section 9 of the Arbitration and Conciliation Act, 1996 ("the Act") seeking certain interim reliefs concerning the disputes between the parties, and the other under Section 11 of the Act seeking an appointment of the Arbitrator. Learned Counsel for the parties agree that this Court may proceed to appoint an arbitrator to adjudicate upon the disputes and differences between the parties and that the present application under Section 9 may be converted into an application under Section 17 of the Act to be heard by the Arbitrator. Till the Arbitrator can take up the Petitioner's application for interim reliefs under Section 17, the respondent agrees to maintain status-quo. Learned Counsel submits that this statement, is without prejudice to the rights and contentions of the parties.

2 Accordingly, the following order is passed.

(i) Mr Mukesh Vashi, Senior Advocate, is appointed as Sole Arbitrator

to adjudicate upon the disputes and differences between the parties;

- (ii) The Arbitrator shall permit the Petitioner to convert its application under Section 9 herein as application under Section 17 of the Arbitration and Conciliation Act,1996 and also consider the Petitioner's application for ad-interim reliefs in the matter;
- (iii) The Petitioner may move the application within a period of two weeks from today;
- (iv) Learned Counsel for the Respondent states that his client shall maintain status-quo for a period of two weeks from today. This statement is accepted. It is clarified that this statement is made without prejudice to the rights and contentions of the Respondent in the matter and that the learned Arbitrator shall proceed to hear the ad-interim application without being influenced by the fact that such statement was made before this Court;
- (v) All rights and contentions of the parties, in the Arbitration Petition, are kept open;
- (vi) Both the Arbitration Petition and Arbitration Application are disposed of in the above terms.

(S.C.GUPTE J.)