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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**ARBITRATION PETITION (L) NO.515 OF 2015**

|                                                                             |                |
|-----------------------------------------------------------------------------|----------------|
| M/s. DAT Engineering Enterprises                                            | ... Petitioner |
| Vs.                                                                         |                |
| Hindustan Petroleum Corporation Ltd.<br>(A Government of India Enterprises) | ... Respondent |

.....  
Mr. Nitin P. Dalvi, for the Petitioner.

Miss Raksha Thakkar, i/b. Rustamji & Ginwala on behalf of Respondent.

....  
**CORAM : S.C. GUPTE, J.**

**DATED : MARCH 27, 2015**

**P.C.:**

. This Petition is filed under Section 9 of the Arbitration and Conciliation Act, 1996 for certain interim relief regarding letter of termination issued by the Respondent to the Petitioner on 2 February 2015 and 9 March 2015 and also praying for permission to allow the Petitioner to participate in the tender bidding process for supply of Engineers, Operators, Maintenance staff, etc. to the Respondent for the year 2015-2016. Learned Counsel for the Respondent submits that the tender process has already been gone through fully by the Respondent; that the technical bids submitted by the tenderers were opened by 20 March 2015; that price bids were opened by 26 March 2015; that L1 bidder was selected by the Respondent. In the premises, the relief sought by the Petitioner has already been rendered infructuous. Learned Counsel for the Respondent agrees that the Respondent shall appoint an

Arbitrator within a period of four weeks from today to adjudicate upon the disputes and differences between the parties in accordance with the Arbitration notice by the Petitioner on 9 March 2015 (and received by the Respondent on 23 March 2015). Learned Counsel for the Respondent is also agreeable to have the amount of EMD (Earnest Money Deposit) submitted by the Petitioner in pursuance of its bid in January 2015, refunded to the Petitioner within a period of three weeks from today.

2. The Arbitration Petition is, accordingly, disposed of with a direction that the Respondent shall appoint an Arbitrator in accordance with the arbitration agreement between the parties within a period of four weeks from today to adjudicate upon the disputes and differences between the parties.

3. The Respondent shall refund the EMD amount to the Petitioner within a period of three weeks from today.

( S.C. GUPTE, J. )