

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****ARBITRATION PETITION (L) NO. 563 OF 2015**

GYATK RVCR Apparatus (P) Ltd.

...Petitioner

Vs.

Tata Motors Ltd. & Anr.

...Respondents

Dr.Birendra Saraf with Mr.Rashid Khan with Ms.Usha Chandrashekar with Ms.Avisha Mehta i/b. Ms.Suvarna Joshi for Petitioner.

Mr.Virag Tulzapurkar, Senior Advocate i/b. Mr.Abhijeet Marathe for Respondent No.1.

CORAM : S.C. GUPTE, J.**31 MARCH 2015****P.C. :**

This is an application under Section 9 of the Arbitration and Conciliation Act, 1996. The Petitioner seeks a restraint order against the first Respondent concerning the entry and exit of the Petitioner and its officers and team members in the facility centre at the Respondent's premises in Pune.

2 It is the Petitioner's case that the Petitioner has worked at this place for as long as 7 years and a lot of equipment of the Petitioner is lying within these premises. Without prejudice to the rights and contentions of the Petitioner, the Petitioner is prepared to take away the equipment within a period of eight weeks from today. The first Respondent has no objection to this arrangement being made for a period of eight weeks, provided that the entry of the Petitioner and its officers shall be restricted to accomplish the removal of this equipment from the premises of the first Respondent.

3 Accordingly, the first Respondent is directed to allow the Petitioner to visit the premises mentioned in prayer clause (a) of the petition through its

officers and team members for removal of the equipment of the Petitioner from the premises. Such permission shall extend over a period of eight weeks from today and shall forthwith cease thereafter.

4 Learned Counsel for the first Respondent also states that the first Respondent does not intend to make use of any designs of the Petitioner, which have been forwarded by the Petitioner to the first Respondent and over which the Petitioner claims a proprietary right. Learned Counsel submits, however, that the first Respondent does not thereby admit that the designs, which are particularly described in Exhibit-J to the petition are, all subject to the statement made by the first Respondent. The statement is accepted.

5 Such removal shall be under a joint inventory of both the parties. The Petitioner shall also indicate the names of its officers and team members, who shall be visiting the premises for the purposes of removal.

6 This order is being passed without prejudice to the rights of both parties and the parties shall be at liberty to apply for suitable variation or modification of this order or for further reliefs concerning the subject matter of disputes before the Arbitrator, as and when the Arbitrator is appointed, under Section 17 of the Arbitration and Conciliation Act, 1996.

7 The Arbitration Petition is disposed of accordingly.

(S.C. GUPTE, J.)