

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO. 1151 OF 2014

JSW Steel Ltd.

..... Petitioners

VERSUS

Bharat Jagjivan Shah

..... Respondent

Mr.Karl Tamboley, i/b. Bharucha & Partners for the Petitioners.

Dr.Birendra Saraf, a/w.Ms.Neeta Solanki, i/b. Kiran Jain & Co. for the Respondent.

CORAM : R.D. DHANUKA, J.

DATED : 7th AUGUST, 2015

P.C.

By this petition filed under section 8 of the Arbitration and Conciliation Act, 1996 the petitioner seeks an order to refer the respondent to the arbitration under clause 8 of the work order in the Company Petition No.11 of 2014.

2. Dr.Saraf, learned counsel appearing for the respondent invited my attention to the judgment of Supreme Court in case of *Haryana Telecom Ltd. vs. Sterlite Industries (India) Ltd. (1999) 5 SCC 688* and submits that the winding up cannot be referred to the arbitration.

3. I am respectfully bound by the judgment of Supreme Court in case of *Haryana Telecom Ltd. (supra)*. In my view the company petition which is filed by the respondent for winding up of the petitioner company cannot be referred to the arbitration. The Arbitration Petition No.1151 of 2014 is thus not maintainable and is rejected. No order as to costs.

4. Insofar as Company Petition No.11 of 2014 is concerned, office is directed to place the same before the learned Company Judge.

[R.D. DHANUKA, J.]