

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

COMPANY PETITION NO.363 OF 2013

International Combustion (India) Ltd. ... Petitioner
versus
Enviro Bulk Handling Systems Pvt. Ltd. ... Respondent

Mr. V.V.Khemka, for Petitioner.
Mr. K.A.Kharawala, for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 16th MARCH, 2015

PC.

1. Heard the learned Advocates for the parties and by consent, the following order is passed :

(i) The disputes between the parties which are the subject matter of the above Company Petition are referred to the sole arbitration of Mr. J.P.Sen, Senior Advocate.

(ii) The learned Arbitrator shall endeavour to pass his Award within a period of six months from the date of the first meeting held by him with the parties and their Advocates.

(iii) The parties and their Advocates shall meet the learned Arbitrator in his Chambers on 18th March, 2015 at 5.30 p.m., and obtain necessary directions in the matter.

(iv) The Respondent has already deposited an amount of Rs.54,00,000/- with the Prothonotary and Senior Master of this Court. The Prothonotary and Senior Master shall allow the Petitioner to withdraw an amount of Rs.25,00,000/- and the balance amount shall be deposited in a fixed deposit of a nationalized bank initially for a period of one year. The Petitioner undertakes to bring back the amount of Rs.25,00,000/- if so ordered by the Court. The balance amount with the Prothonotary and Senior Master shall be disbursed as per the Award / final orders passed in the arbitration proceedings.

(v) All contentions of the parties are kept open.

(vi) The venue of the Arbitration shall be at Mumbai.

(vii) The cost of arbitration shall initially be borne by the parties equally.

(viii) The Suit filed by the Respondent before the Kolkatta High Court shall stand withdrawn.

(ix) The Respondent shall be at liberty to file a counter claim before the learned Arbitrator.

(x) The Company Petition is accordingly disposed of.

(S.J.KATHAWALLA, J.)