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

ARBITRATION PETITION (LODGING) NO.1237 OF 2015

Healthcare Global Enterprises Ltd.	...Petitioner
V/s.	
Dr.Balabhai Nanavati Hospital & Ors.	...Respondents

Mr.D.J. Khambata, Senior Counsel with Mr.Zubin Behram-Kamdin, Ms.Shareen Parika Mr.Ativ Patel and Ms.Shalaka Patil i/b Cyril Amarchand Mangaldas for the Petitioner.

Mr.S.U. Kamdar, Senior Counsel i/b Mr.Ashok Purohit for Respondent No.1.

Mr.Ravi Kadam, Senior Counsel with Mr.Nirav Shah and Mr.Munab Virjee i/b DSK Legal for Respondent No.2.

CORAM : R.D. DHANUKA, J.
DATE : 22ND JUNE, 2015.

P.C. :-

1. Mr.Khambata, learned senior counsel for the petitioner seeks liberty to convert this petition filed under section 9 of the Arbitration & Conciliation Act, 1996 as the application under section 17 of the Arbitration Act and seeks to pursue the said application before the arbitral tribunal. Learned senior counsel for the respondents have no objection if such request is granted. The respondents would be at liberty to file affidavit in reply before the arbitral tribunal within two weeks from today.

2. The petitioner has nominated Shri Justice S.N. Variava, a former Judge of the Supreme Court as its nominee arbitrator. The respondents have nominated Shri Justice V.C. Daga, a former Judge of this Court as their nominee arbitrator. Both the learned arbitrators shall appoint a presiding arbitrator in accordance with the provisions of the Arbitration & Conciliation Act, 1996.

3. The petitioner would be at liberty to apply for *ad-interim* measures before the arbitral tribunal. It is made clear that this Court has not expressed any views on the merits of the matter. All the contentions of both the parties are kept open.

4. The arbitration petition is accordingly disposed of in the aforesaid terms.

5. No order as to costs.

(R.D. DHANUKA, J.)