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

**ARBITRATION PETITION NO.1353 OF 2014
WITH
NOTICE OF MOTION (L) NO. 920 OF 2015
IN
ARBITRATION PETITION NO.1353 OF 2014**

Enso Pvt. Ltd.	...Applicant/Petitioner
VS	
Enso Infrastructures Pvt. Ltd. & Anr.	...Respondents

.....
Mr Vikram Nankani, Sr. Advocate a/w Zal Andhyarujina, Ms Salonee Kulkarni i/b
Economic Laws Practice for the Petitioner
Mr Cherag Balsara a/w Rajnish Sinha, Vinit Mehta & Satyan Israni i/b Satyan S
Israni for Respondent No.1.
Mr Shailesh Mendon a/w Ms Smruti Kanade i/b Negandhi Shah & Himayatullah
for Respondent No.2.
.....

CORAM : S.C. GUPTE, J.

SEPTEMBER 02, 2015

P.C. :

Learned Counsel for the Petitioner seeks leave to withdraw the Arbitration Petition. By consent of parties, namely, the Petitioner and Respondent No.1, Mr Justice S. H. Kapadia (Retired) is appointed as a Sole Arbitrator to adjudicate upon the disputes and differences between the Petitioner and Respondent No.1 opposing the Joint Venture Agreement dated 4 February 2008 read with the Deed of Adherence dated 22 October 2009. It is clarified that the agreement on the part of Respondent No.1 to submit the disputes to the Arbitration as recorded herein, is without prejudice to its contentions concerning the arbitrability of the disputes on any ground. The arbitrability of the disputes would be an issue to be decided by the Sole Arbitrator in the course of the reference.

2 The Petitioner will be at liberty to apply for interim reliefs under Section 17 of the Arbitration and Conciliation Act, 1996 (“the Act”) in respect of the subject matter of the present Petition. Such application will be decided on merits and without reference to the present order. All rights and contentions of the parties in this behalf are kept open.

3 The Petitioner will be at liberty to apply for a reference against Respondent No.2 under the provisions of Section 11 of the Act. Nothing in this order shall prejudice such application. All rights and contentions of the parties in that behalf are also kept open. Arbitration Petition is disposed of accordingly. As Arbitration Petition is disposed of, nothing survives in the Notice of Motion and the same is disposed of accordingly.

(S.C.GUPTE J.)