

vai

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

ARBITRATION PETITION NO.1458 OF 2014

M/s.Gati Kintetsu Express Pvt. Ltd.	...Petitioner
V/s.	
M/s.Parenteral Drugs (India) Ltd.	...Respondent

Ms.Shilpa Kapil for the Petitioner.

Mr.Vijyesh Atre i/b Ms.Kavita Shinde for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 25TH JUNE, 2015.

P.C. :-

1. By this petition filed under section 9 of the Arbitration & Conciliation Act, 1996, the petitioner seeks various reliefs. It is not in dispute that the arbitral award rendered in favour of the petitioner has been already impugned by the respondent under section 34 of the Arbitration & Conciliation Act, 1996 before the 15th Additional District Judge, Indore, being Arbitration Case No.MJC-80 of 2014 and the said petition is pending. It is not in dispute that the said petition is filed within time prescribed under section 34(3) of the said Act.

2. On perusal of the prayers sought in the present petition, I am of the view that no such reliefs can be granted in favour of the petitioner in view of the respondent already having filed the

application under section 34 of the said Act within time and the same is pending.

3. Learned counsel for the respondent states that the petitioner was not even a party to the arbitration agreement and thus no such award could have been rendered in favour of the petitioner by the learned arbitrator. I am not inclined to decide this issue at this stage in these proceedings. The said issue can be decided by the Court hearing the petition under section 34 of the said Act. This petition is misconceived and the same is rejected. No order as to costs.

(R.D. DHANUKA, J.)