

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 1303 OF 2014

M/s.Tex Center Premises Co-operative Society Limited Petitioner
VERSUS

M/s.Admirecon Infrastructure Pvt. Ltd. Respondent

Mr.Nishant Shashidharan a/w. Mr.Umesh Tawri, i/b. S.Ashwinikumar & Co. for the Petitioner.

Ms.Priyanka Pawar, i/b. Charvy Hatkanagalekar for the Respondent.

CORAM : R.D. DHANUKA, J.

DATED : 7th AUGUST, 2015

P.C.

By this petition filed under section 15 of the Arbitration and Conciliation Act, 1996 the petitioner has impugned the order dated 8th August, 2014 passed by the learned arbitrator rejecting three preliminary objections raised by the petitioner before the learned arbitrator. The petitioner also seeks substitution of the learned arbitrator by a new arbitrator.

2. Learned counsel appearing for the petitioner on instruction states that insofar as prayer clause (a) is concerned, the petitioner seeks liberty to withdraw this petition with liberty to impugn the final award if it is decided against the petitioner. Insofar as prayer clause (b) is concerned, he submits that the petitioner would file an application under section 13 before the learned arbitrator. Statement is accepted.

3. Insofar as prayer clauses (a) and (b) are concerned, those prayers are allowed to be withdrawn with liberty to the petitioner to challenge the final award

alongwith the said order dated 8th August, 2014, if the said final award is decided against the petitioner. Insofar as prayer (b) is concerned, if the petitioner files any application under section 13, the same shall be disposed of by the learned arbitrator on its own merits and in accordance with law.

4. Arbitration petition is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]