

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION (L) NO. 1683 OF 2015

Sussanne Khan,
Prop. of Sussanne Khan House of Design **..... Petitioner**

VERSUS

Mudhit Gupta & Anr. **..... Respondents**

Dr.Virendra Tulzapurkar, Senior Advocate, a/w. Mr.Rohan Rajadhakshya,
Ms.Kalpana Merchant, Mr.Amey Mirajkar, i/b. AZB & Partners for the Petitioner.

Mr.Janak Dwarkadas, Senior Advocate, a/w. Mr.Ashish Kamat, Mr.Ranjit Shetty,
Mr.Krunal Sampat, i/b.Argues Partners for the Respondents.

CORAM : R.D. DHANUKA, J.

DATED : 15th OCTOBER, 2015

P.C.

Dr.Tulzapurkar, learned senior counsel appearing for the petitioner seeks liberty to convert this petition into an application under section 17 of the Arbitration and Conciliation Act, 1996 and seeks to pursue the same before the learned arbitrator. Mr.Dwarkadas, learned senior counsel appearing for the respondents has no objection if this matter is converted into an application under section 17. The pleadings filed in this petition shall be treated as pleadings under application under section 17 of the Arbitration and Conciliation Act, 1996.

2. By consent of parties, Shri Justice S.N.Variava, former Judge of Supreme Court is appointed as the sole arbitrator. All contentions including issue of jurisdiction and arbitrability raised in this petition are kept open. It is made clear that the respondents would be at liberty to file counter claim before the learned

arbitrator. If any such counter claim is filed, all issues regarding maintainability and arbitrability of the counter claim also are kept open.

3. Petition is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]