

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION (L) NO. 1853 OF 2015

Indian Oil Corporation of India

..... Petitioner

VERSUS

Gujarat Chemical Port Terminal Co. Ltd.

..... Respondent

Mr.Virag Tulzapurkar, Senior Advocate, a/w. Mr.Sunil Gangan, Mr.Jayesh Mistry, i/b. RMG Law Associates for the Petitioner.

Dr.Milind Sathe, Senior Advocate, a/w. Mr.Amey Nabar, Mr.Rishit Badiani, i/b. A.S.Dayal & Associates for the Respondent.

CORAM : R.D. DHANUKA, J.

DATED : 15th OCTOBER, 2015

P.C.

Mr.Tulzapurkar, learned senior counsel appearing for the petitioner seeks liberty to convert this petition filed under section 9 of the Arbitration and Conciliation Act, 1996 as an application under section 17 of the Act and seeks to pursue the same before the learned arbitrator. Dr.Sathe, learned senior counsel appearing for the respondent has no objection if this petition is converted into an application under section 17 of the Act. Statements of both the learned senior counsel are accepted. This petition is allowed to be converted into an application under section 17 of the Act. By consent of parties Shri Justice F.I.Rebello, former Chief Judge of Allahabad High Court is appointed as the sole arbitrator.

2. The pleadings in this petition shall be treated as pleadings in the said application under section 17. The learned arbitrator shall make an endeavour to dispose off the application under section 17 expeditiously and not later than 15th

December, 2015. All contentions of both the parties are kept open. Both the parties will be at liberty to file additional affidavits before the learned arbitrator.

3. During the pendency of the hearing of the application under section 17 before the learned arbitrator, the petitioner has agreed to furnish its plan for export for the year 2016 to the respondent. The respondent can consider such plan and intimate the petitioner about the dates of availability of jetty. If the petitioner submits any plan for the month of December 2015 and if jetty is available during the said period for the purpose of export, the respondent shall communicate the same to the petitioner in advance.

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

[R.D. DHANUKA, J.]