

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 1297 OF 2012

Mrs.Smita Pradeep Karwarkar

..... Petitioner

VERSUS

M/s.Kotak Mahindra Prime Ltd.

..... Respondents

Mr.Pawankumar Pandey, i/b. Clayderman & Co. for the Petitioner.

Mr.Jitendra Shukla for the Respondents.

CORAM : R.D. DHANUKA, J.

DATED : 6th OCTOBER, 2015

P.C.

By consent of parties, following order is passed :-

- (a) Impugned award dated 22nd August, 2012 passed by the learned arbitrator is set aside. The respondents would be at liberty to appoint an arbitrator in accordance with the arbitration agreement within two weeks from today and shall communicate the name of the learned arbitrator to the learned advocate representing the petitioner simultaneously.
- (b) The petitioner herein would be at liberty to file additional written statement within two weeks from today. It is made clear that no further extension would be granted. Copy of such additional written statement shall be served upon the respondents' advocate simultaneously.
- (c) Before the petitioner files additional written statement, inspection in respect of the documents referred to and relied upon by the respondents shall be completed.

(d) The respondents shall file affidavit of evidence if any, of the first witness within two weeks from the date of service of additional written statement and serve a copy thereof upon the petitioner's advocate simultaneously. After closer of the evidence of the respondents' witness, the petitioner if so desire shall file an affidavit of evidence within two weeks from the date the closer of the evidence of the respondents' witness and shall serve a copy thereof upon the respondents' advocate simultaneously.

(e) The learned arbitrator shall make an endeavour to render an award within four months from the date of closer of the oral evidence.

(f) Both the parties have agreed to co-operate with each other and with the learned arbitrator in expeditious disposal of the arbitral proceedings.

(g) If any party seeks any unnecessary adjournment before the learned arbitrator, such party shall pay the fees of the learned arbitrator and also shall bear the expenditure of conducting such meeting by the learned arbitrator exclusively.

(h) Both parties have agreed to pay the fees and expenses of the learned arbitrator equally at the first instance.

(i) It is made clear that the learned arbitrator shall decide the matter afresh without being influenced by the findings and conclusion rendered in the impugned award dated 22nd August, 2012. It is made clear that both parties shall be entitled to rely upon the pleadings and documents already forming part of the record before the learned arbitrator in

addition to the additional written statement which is proposed to be filed by the petitioner within the time prescribed.

2. Arbitration petition is disposed of in the aforesaid terms. No order as to costs.
3. The original papers and proceedings of the arbitral proceedings are returned back to the learned counsel appearing for the respondents with a direction to file the same before the learned arbitrator to be appointed by the respondents.

[R.D. DHANUKA, J.]

CERTIFICATE

Certified to be true and correct copy of the original signed order.