

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

COMPANY PETITION NO.604 OF 2015

M/s Kalpesh Enterprise LLC	...	Petitioner
Versus		
RCMPA Polishing Technologies Pvt. Ltd.	...	Respondent

Mr. Shailesh Mandon a/w Ms. Henna Daulat and Mr. Aditya Mehta i/b Negandhi Shah & Himayatullah for the Petitioner.
Mr. Vishal Kanade a/w Mr. Rahul Singh i/b Legal Catalyst for the Respondent.

CORAM : S.C.GUPTE, J.

DATE : 15 DECEMBER 2016.

P.C. :

. After the matter was heard at some length, the parties desired to put an end to the controversy through the process of arbitration. Accordingly the matter was stood over. It is now agreed between the parties that the petition can be disposed of in terms of the following order. It is ordered accordingly as follows :-

- (i) The disputes between the parties which form the subject matter of the present petition are referred to the sole arbitration of Mr. Sharan Jagtiani, Advocate;
- (ii) The Respondent shall deposit a sum of US\$ 20,000 in this Court as an ad-hoc interim deposit towards the Petitioner's claim referred to arbitration;

(iii) In view of this deposit, the Petitioner will not be entitled to apply for any further interim relief under Section 17 of the Arbitration & Reconciliation Act, 1996 before the sole arbitrator. The Petitioner will be, however, entitled to apply by way of interim relief or otherwise for withdrawal of sum of US\$ 20,000 deposited by the Respondent in this Court in terms of this order. Such application, as and when moved by the Petitioner, shall be decided by the sole arbitrator on its own merits and without getting influenced by the order passed by this Court;

(iv) Learned Arbitrator shall submit his declaration in terms of Section 12 of the Arbitration & Reconciliation Act, 1996 to this Court in the course of the day;

(v) Insofar as the arbitration reference is concerned, all claims and contentions of the parties are kept open;

(vi) The petition is disposed of in these terms;

(vii) No order as to costs.

(S.C.GUPTE, J.)