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

ARBITRATION PETITION NO.18 OF 2016

Goldmines Telefilms Pvt. Ltd.	...Petitioner
V/s.	
Moser Baer Entertainment Ltd.	...Respondent

Mr.Nikunj Mehta i/b Ashok Purohit & Co. for the Petitioner.

Mr.D.K. Singh with Mr.Abhishek Sawant for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 14TH JULY, 2016.

P.C. :-

1. By consent of parties, the impugned order dated 17th July, 2015 passed by the learned arbitrator terminating the arbitral proceedings is set aside. Learned counsel for the parties jointly state that the learned arbitrator by his letter dated 6th July, 2016 has conveyed his intention and desire to continue as a sole arbitrator with the arbitral reference. A copy of the letter is tendered across the bar and is taken on record and is marked "X" for identification.

2. Both the parties are directed to co-operate with each other and also with the learned arbitrator in expeditious disposal of the arbitral proceedings. None of the parties shall take unnecessary adjournment before the learned arbitrator. If any unnecessary

adjournment is taken by any of the parties, the cost of such adjournment shall be borne by such party as may be decided by the learned arbitrator.

3. Learned counsel for the petitioner on instructions states that the arrears of the fees of the learned arbitrator which was in arrears on the part of the petitioner will be cleared within two weeks from today. Simultaneously the costs awarded by the learned arbitrator in favour of the respondent shall also be cleared within two weeks from today. Statement is accepted.

4. Learned counsel for both the parties jointly state that even in future the fees and expenses of the learned arbitrator shall be borne by the parties equally subject to the out come of the arbitral proceedings. Statement is accepted.

5. Learned counsel for the petitioner withdraws all the allegations made against the learned arbitrator, if any, in this arbitration petition or if made during the course of the arbitral proceedings before the learned arbitrator unconditionally. The statement is accepted. The allegations, if any, made stand withdrawn. The arbitration petition is accordingly disposed of in aforesaid terms.

6. It is made clear that the counter claim filed by the respondent which was withdrawn by the respondent before the learned arbitrator is restored as on the date of termination of the

proceedings by the learned arbitrator and is allowed to be proceeded with on merits.

7. The petitioner is also directed to pay the additional costs of this proceedings quantified at Rs.50,000/- which shall be paid to the respondent within two weeks from today.

(R.D. DHANUKA, J.)