

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

**COMM. ARBITRATION PETITION (L) NO.314 OF 2016**

M/s. Kamar Infrastructure Pvt. Ltd. ... Petitioner  
versus  
DBM Geotechics and Constructions  
Pvt. Ltd. and Anr. ... Respondents

Ms. Tanmayi Gadre i/by Mr. Kevin A. Chetiiar for Petitioner.  
Mr. Pranav Sampat with Mr. Vishal Shriyan, Mr. Haabil Vahanvaty i/by M/s. Khaitan  
and Co., for Respondent No.1.

**CORAM: S.J. KATHAWALLA, J.**

**DATE: 22<sup>nd</sup> DECEMBER, 2016**

**P.C.:**

1. Heard the learned Advocates appearing for the parties and the following order is passed by consent :

(i) Mr. Nimay Dave, Advocate is appointed as the sole Arbitrator to decide the disputes between the Petitioner and Respondent No.1 arising out of the Work Order dated 26-12-2013 (Exhibit B to the Petition).

(ii) The disclosure of Mr. Nimay Dave, Advocate under Section 11 (8) read with Section 12 (1) of the Arbitration and Conciliation Act, 1996 is taken on record.

(iii) The parties shall appear before the learned Arbitrator in his chambers, on 24th December, 2016 at 10.30 a.m. and obtain necessary directions.

(iv) The present Petition shall be treated as a Petition under Section 17 of

the Act and decided by the learned Arbitrator within a period of eight weeks from today. The learned Arbitrator shall not grant any adjournments unless absolutely necessary.

(v) The learned Arbitrator shall endeavour to pass his final Award within a period of four months from the date of this order.

(v) The Respondents shall be at liberty to file its counter claim before the learned Arbitrator which shall be decided on its own merits.

(vi) The learned Advocate for the Petitioner submitted that the equipments and material set out in Exhibit A to the Petition, are in possession of Respondent No.1. The learned Advocate for the Respondent No.1 states that he will have to verify whether all the equipments set out in Exhibit A to the Petition, are with them. The Respondent No.1 shall therefore, not alienate, encumber, part with possession and/or create third party rights in respect of the equipments which are in possession of Respondent No.1 until the learned Arbitrator passes his order in the Petition under Section 17 of the Act.

(vii) The Respondent No.2 shall within a period of one week from today issue a gate pass to the representative of the Petitioner to enable them to visit the port premises and take inspection of the equipments set out in Exhibit A to the Petition.

(viii) All contentions of the parties are kept open.

(ix) The cost of arbitration shall initially be borne by the parties equally.

- (x) The venue of Arbitration shall be at Mumbai.
- (xi) In view of this order, the above Arbitration Petition is disposed of.

**( S.J.KATHAWALLA, J. )**