

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMM ARBITRATION PETITION NO. 247 OF 2017

Liberty Garden Chs. Ltd	...Petitioner
<i>Versus</i>	
K. T. Group	...Respondent

Mr. Tushar Gujjar, i/b Kartik K. Tiwari, for the Petitioner.

Ms. Tanmayee Salekar, i/b Shah & Sanghavi, for the
Respondent.

Mr. Dhairya Sheth, Partner of Respondent present.

CORAM: B. P. COLABAWALLA, J

DATED: 25th September, 2017

PC:-

1. The learned Counsel appearing on behalf of the Petitioner brings to my attention the order passed by this Court on 2nd May, 2017. The said order records that all payments of rent were made up to March-2017. The payment for transit rent for the month of April and May-2017 were to be made by 15th May, 2017 and thereafter the Respondent was to make payment on the 15th of every month. As a matter of operational convenience it was also agreed between the parties that a joint account would be opened in which the Respondent would make monthly

payment and from which the Petitioner can then make disbursements to its constituent members.

2. The learned Counsel appearing on behalf of the Petitioner pointed out that though this joint account has been opened with ICICI Bank Ltd, the Respondent has failed to deposit any transit rent from April-2017 till date. The learned Counsel appearing on behalf of the Respondent accepts this fact and undertakes to this Court on instructions of one Mr. Dhairya Sheth, who is partner of the Respondent Firm, that the transit rent for the months from April-2017 to October-2017 shall be deposited in this joint account on or before 31st October, 2017. As far as the future rent is concerned, the learned Counsel undertakes that the same shall be deposited on the 15th of each month. The said undertakings are accepted by this Court. In view of the aforesaid undertakings, the learned Counsel appearing on behalf of the Petitioner submits that the other reliefs that are prayed for in this Section 9 petition shall be pressed before the Arbitrator appointed by this Court on 2nd May, 2017.

3. This being the position, nothing survives in the Section 9 petition and liberty is granted to the Petitioner to apply for such interim reliefs as it may be so advised, under Section 17 of the Act including the prayers that have been mentioned in this Section 9 petition. There shall be no order as to costs.

4. The disclosure of the Arbitrator shall be filed by the Petitioner in this Court within a period of one week from today.

[B. P. COLABAWALLA, J.]