

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO.1261 OF 2016**

Mahanagar Telephone Nigam LimitedPetitioner

Vs.

M/s. M.S. Enterprises Engineers and
Contractors and Anr.Respondents

Ms. S.I. Shah i/b. S.I. Shah and Co. for petitioner.
Mr. Reshant Shah i/b. Lex Conseiller for respondent no.1.
Mr. Ramesh Ramamurthy for respondent no.2.

**CORAM : K.R.SHRIRAM, J.
DATE : 20th SEPTEMBER, 2017**

PC.:

1 The petition is filed under Section 15 read with Section 12, 13 and 14 of the Arbitration and Conciliation Act, 1996 for appointment of another arbitrator because petitioner unilaterally decided to terminate the reference of the arbitrator vide letter dated 16th February, 2016.

2 When the Court asked the counsel for petitioner as to under what authority or power did petitioner unilaterally terminate the mandate of the arbitrator and under which part of Section 15 are they seeking for substitution of arbitrator, the counsel for petitioner requested that petitioner be permitted to withdraw the petition, withdraw the letter of termination and write to the arbitrator afresh to recuse himself from the matter and the reasons for that would be given in their application to the learned arbitrator.

3 The petition stands disposed as withdrawn with the liberty as sought.

4 Petitioner to make an application under Section 12(3) within four weeks from today.

(K.R. SHRIRAM, J.)