

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

ARBITRATION APPLICATION NO.187 OF 2015

M/s.Kotak Agro Processing Pvt. Ltd.)....Applicant

V/s.

M/s.R.D.Weld Products Pvt. Ltd. & Ors.)....Respondents

Mr.Raju Gupta for applicant.

[Mr.Rajan Hariani, Manager and Power of Attorney holder of applicant-company present].

Mr.Maulik Tanna a/w Mr.Ashwin R.Singh and Ms.Aditi Gautam i/by Abhishek R.Singh for respondent no.1.

CORAM : K.R.SHRIRAM,J

DATE : 25.7.2017

P.C.:-

1 The matter was heard for some time. Mr.Tanna appearing for the respondent no.1 stated that one of the heads of claim is for return of security deposit and license fees and therefore, none of the claims are arbitrable.

2 Mr.Gupta appearing for the applicant on instructions states that before the Arbitrator the applicant will restrict its claim only for repairing charges in the sum of Rs.35,46,906/- plus any accumulated interest and the petitioner waives any demand or claim for Rs.7,27,866/-.

3 Mr.Gupta on instructions from Mr.Rajan Hariani-Manager

and Power of Attorney holder of the applicant-company, who is present in Court and Mr.Hariani states that he has authority to make this statement, states that the applicant will not file any suit in Small Causes Court or before any other forum, claiming amount of Rs.7,27,866/-.

4 In view of this statement made, Mr.Tanna on instructions states that the issue of claim for repairing charges in the sum of Rs.35,46,906/-, without prejudice to the rights and contentions, could be referred to arbitration. The respondents if they wish, they may file counter claim before the learned Arbitrator.

5 Mr.Vishal Talsania an advocate practicing in this Court, by consent, is appointed as sole Arbitrator. The fees and expenses including typing charges to be shared equally between the parties and the same will be cost in the arbitration proceedings.

Arbitrator is expected to complete arbitration proceedings and publish an award by 31.1.2018.

Liberty to apply.

Petition stands disposed.

(K.R.SHRIRAM,J)