

## IN THE HIGH COURT OF JUDICATURE AT BOMBAY

## ORDINARY ORIGINAL CIVIL JURISDICTION

## ARBITRATION PETITION NO. 1283 OF 2015

|                                     |               |
|-------------------------------------|---------------|
| Shcova Laboratories Private Limited | ...Petitioner |
| <i>Versus</i>                       |               |
| R. R. Industries                    | ...Respondent |

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Mr.Pradeep Mahadik, for the Petitioner.

Ms.Vaishali Choudhari, for the Respondent.

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**CORAM : G.S.Kulkarni, J.**

**DATE : 28<sup>th</sup> August, 2017**  
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**P.C. :**

1. After having heard the learned Counsel for the parties for some time, it appears to be an admitted position that during the pendency of this petition, the petitioner has moved an application before the learned sole Arbitrator under Section 17 of the Arbitration and Conciliation Act,1996 (for short 'the Act') seeking interim protective reliefs pending the arbitration proceedings. On the said application, the learned Arbitrator has passed an order dated 9 July 2016.

2. Perusal of the order shows that there are no reasons which are set out by which it can be gathered that the application

filed by the petitioner under Section 17 has not been decided. Learned Counsel for the respondent fairly submits that there may not be any impediment in the learned Arbitrator considering the application as filed on behalf of the petitioner under Section 17 of the Act and decide the same afresh on merits. The parties thus by consent are willing to go before the learned arbitrator for denovo consideration and decision of the Section 17 application. This should suffice the apprehension of the petitioner as also raised in the present proceedings.

3. Accordingly, keeping all contentions of the parties open, this petition is disposed of by permitting the parties to approach the learned Arbitrator in the application filed by the petitioner under Section 17 of the Act, to be decided afresh. Learned Arbitrator shall endeavour to decide the said application as early as possible and within a period of three months from today.

4. The petition is disposed of in the above terms. No costs.

**[G.S.Kulkarni, J.]**