

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

COMM. ARBITRATION PETITION (LODG.) NO. 360 OF 2017

Kavi Trivedi .. Petitioner

Vs.

Pankaj Trivedi .. Respondent

Mr.Gautam Ankhad a/w. Mr.Darshan R. Mehta and Mr.Naresh Chheda i/b
M/s. Dhruve Liladhar & Co. for petitioner.

Mr.Sharan Jagtiani a/w. Ms. Bindi Dave and Mr.Leshan Sinha i/b Wadia
Ghandy & Co. for respondent.

Mr.Kavi Trivedi-petitioner present in Court.

Mr.Pankaj Trivedi-respondent present in Court.

**CORAM : K.R.SHRIRAM, J.
DATE : 12TH OCTOBER 2017**

P.C.

1 The counsels tendered draft consent Minutes of Order dated 12th October 2017 signed by petitioner, respondent and their respective advocates. The same is taken on record and marked 'X' for identification. Petitioner and respondent are present in Court and are identified by their respective advocates.

2 The consent Minutes of Order reads as under :

“CONSENT MINUTES OF ORDER

By consent of parties it is agreed as follows :

1. *The Draft/Amendment submitted by the Petitioner and marked X for identification, is allowed. The Amendment shall be carried out within 15 days from today.*

2. *The Parties agree that all the disputes, claims, questions, or controversies arising from the arbitration clause contained in the Agreement dated 30th March 2017 are referred to arbitration before the Sole Arbitrator, Shri Kalk Tamboly.*

3. *The Section 9 Petition is converted into a Section 17 Petition and is, therefore, to be considered by the Sole Arbitrator.*

4. *The Petitioner will be at liberty to raise before the Sole Arbitrator all disputes referred to in the Section 9 Petition as also in relation to the liability of the Company and/or the Shareholders in respect of Service Tax & Income Tax dues, if any. The Respondent's contentions, both as to jurisdiction and maintainability of such claims, and as to merits of such claims, are expressly kept open.*

5. *The interim arrangement recorded in the Respondent's advocates' without prejudice letter dated 21st August 2017 will continue till award is passed in the arbitral proceedings.*

6. *It is clarified that the Respondent will also be entitled to make an application under Section 17 before the Sole Arbitrator.*

7. *All rights and contentions of the Parties are kept open.*

8. *The Petition stands disposed in the above terms.*

3 Petition accordingly stands disposed.

(K.R. SHRIRAM, J.)