

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

COMMERCIAL ARBITRATION PETITION NO.79 OF 2016

India Factoring & Finance Solutions Pvt. Ltd.)....Petitioner

V/s.

Sharon Bio-Medicine Limited & Ors.Respondents

Mr.Sandesh Godse i/by Vivek Patil & Associates for petitioner.

Mr.Vivek Kantawala a/w Mr.Amey Patil i/by Vivek Kantawala & Associates for respondent no.2.

CORAM : K.R.SHRIRAM,J

DATE : 3.10.2017

P.C.:-

1 This petition is filed under Section 9 of the Arbitration & Conciliation Act 1996. The petition was lodged on 29.8.2016. Counsel for petitioner states that petitioner did not even move for ad-interim reliefs. Counsel also states that even today they have not even commenced any arbitration proceedings though more than a year has passed since the petition is filed. I also do not find any averment in the petition explaining as to why an order under Section 9 is required to be passed. In fact, counsel for petitioner was not even ready to go on with the matter.

Petition stands dismissed.

2 Mr.Kantawala appearing for respondent no.2 states that on a petition filed by this petitioner, Company Petition No.580 of 2015

was admitted against respondent no.1. Moreover, the National Company Law Tribunal, Mumbai Bench in a petition filed under Section 7 of the Insolvency and Bankruptcy (Application to Adjudicating Authority), Rule 2016 filed by one Culross Opportunities SP & Peter Beck & Partners, has admitted the petition against the respondent no.1 and there is also a moratorium granted.

(K.R.SHRIRAM,J)