

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 1475 OF 2014
WITH
SHOW CAUSE NOTICE NO. 1768 OF 2015**

Siemens Financial Services Pvt Ltd ...Petitioners

Versus

India Offset Printers Pvt Ltd ...Respondents

Mr Srinivas A, i/b Indianlaw, for the Petitioners.

**CORAM: G.S. PATEL, J
DATED: 17th February 2017**

PC:-

1. There is a previous ad-interim order dated 1st April 2015. The Petition, under Section 9 of the Arbitration & Conciliation Act, 1996, is of 2014. The 1st April 2015 order has continued, but for nearly three years after the Petition was filed, the Petitioner has not found the time or the inclination to invoke arbitration. This is not the purpose of Section 9. That section is meant for granting emergent relief pending arbitration. It is not meant for parties to squat on orders of injunction and receivership without invoking arbitration.

2. The Petitioners will have till 10th March 2017 and not beyond to invoke arbitration. If there is no opposition to that invocation, the previous order will continue till the final disposal of the arbitral proceedings, subject only to any orders that may be passed by this Court in any application under Section 11 that the Petitioners may be required to file. In default of invocation by that date, the Petition will stand dismissed and the interim order will stand vacated without further reference to Court.

3. Further liberty to the Petitioners to make an application under Section 17 of the Arbitration & Conciliation Act 1996 before the Arbitrator once the arbitration commences.

4. The Arbitration Petition is disposed of in these terms with no order as to costs.

(G. S. PATEL, J.)