

psv

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

WRIT PETITION (L.) NO.3000 OF 2017

Mr.Sanjeev Ramniwas Goyal

..Petitioner

Vs.

National Internet Exchange of India & Ors.

..Respondents

Mr.S.J. Agarwal with Ms.Pragya Chandra for Petitioner.

Mr.Vakul Sharma with Rajlaxmi Punjabi for Respondent Nos.1 to 3.

Mr.Anand Singh for Respondent No.5.

**CORAM : SHANTANU S. KEMKAR AND
G.S. KULKARNI, JJ.**

DATE : 4th DECEMBER, 2017

P.C.:

Challenging the order dated 20th October 2017, the petitioner has filed this petition.

2. On 7th November 2017 while issuing notice to the respondents, this Court has passed the following ad-interim order:-

“We record the statement made by the learned counsel for the Respondent Nos. 1 and 3 that no further action/steps in pursuance to the impugned order of termination shall be taken henceforth by the Respondents till the next date of hearing.”

3. On the statement made by the learned Counsel appearing for the Respondent Nos.1 and 3, today with the consent of the parties, the matter is being disposed of in following terms:-

(a) In view of the Clause 9.9 being the arbitration agreement between the parties, the learned Counsel for the parties submit that they shall resolve the dispute arising between them by referring the dispute for arbitration. It has been stated by the learned Counsel for the parties that both the sides shall nominate their respective Arbitrator within two weeks from today;

(b) The Arbitrator so appointed shall appoint third umpire within a week thereafter making a panel of three Arbitrators. As per the said agreement, venue of the arbitration shall be at New Delhi;

(c) It has been stated by the learned Counsel for the parties that the parties will co-operate to the panel of the Arbitrators to take decision on the dispute as expeditiously as possible;

(d) It has also been stated by the learned Counsel appearing for the parties that on forming of the arbitral tribunal, the petitioner shall file an application under Section 17 of the Arbitration and Conciliation Act, 1996 seeking interim protective reliefs before the said Arbitral Tribunal within a week from the date of formation of the panel of the Arbitrators;

(e) On such application being made, it is expected that the Arbitral Tribunal shall decide the same as expeditiously as possible, but in any case not later than three weeks from the date of receipt of such application;

(f) The learned Counsel for the respondent Nos.1 and 3 has

agreed that till the Arbitral Tribunal takes appropriate decision on the petitioner's application for interim relief, the order passed by this Court on 7th November 2017 be allowed to continue. We order accordingly;

(g) Needless to say that Arbitral Tribunal shall not be influenced by the said interim order dated 7th November 2017 and shall decide the petitioner's application for interim relief on its own merits in accordance with law as we have not examined the merits of the matter.

4. Writ Petition is disposed of.

5. All contentions of the parties are kept open.

[G.S. KULKARNI, J.]

[SHANTANU S. KEMKAR, J.]