

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 286 OF 2016

Yogendra N Thakkar

...Applicant

Versus

Vinay D Balse & Anr

...Respondents

**Mr Snehal Shah, with Ms Priyanka Kothari & Ms Neha Bhatt, i/b
Bilawala & Co, for the Applicant.**

**Mr Mayur Khandeparkar, with Kunjita Shah, i/b Kanga & Co, for
the Respondents.**

CORAM: G.S. PATEL, J

DATED: 8th May 2017

PC:-

1. There is a statement of disclosure of Mr Ankit Lohia. It is taken on record and marked "X" for identification with today's date.
2. By consent the disputes between the parties as set out in this Arbitration Application are referred to the sole arbitration of Mr Lohia. Mr Lohia's father is a partner with a Chartered Accountancy firm that is an auditor of M/s Kanga & Co, Advocates for the Respondents. This is noted in Mr Lohia's statement of disclosure in a postscript.

3. It is clarified that this will not disqualify Mr Ankit Lohia from acting as an arbitrator and both sides specifically accept this. The Applicant is present in Court.

4. By my order of 28th April 2017 I had expressed a tentative view that not only this but the other arbitration between the parties could preferably be referred to the same arbitrator. That was in the nature of a suggestion. It cannot be made an order without consent. The reference to Mr Lohia's arbitration, therefore, is confined to the disputes in this Arbitration Application alone.

5. Liberty to the parties to apply to Mr Lohia for an interim Award under Section 17. He is requested to dispose of any such applications as soon as possible and preferably within four weeks of it being filed.

6. All contentions including as to jurisdiction are expressly kept open.

7. Mr Shah states that the letter from M/s Bilawala & Co of 29th April 2017 and the email of the same date to Mr Jayant Gokhale are to be treated as withdrawn. So noted.

(G. S. PATEL, J.)