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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
IN ITS COMMERCIAL DIVISION  
ARBITRATION PETITION (L) NO. 260 OF 2016**

|                                         |                |
|-----------------------------------------|----------------|
| Adyard Abu Dhabi LLC                    | ...Petitioner  |
| <i>Versus</i>                           |                |
| Essar Offshore Subsea Limited & Another | ...Respondents |

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**Mr. Venkatesh Dhond, Senior Advocate, with S Kapadia, i/b Mr. Abhijeet Mahadekar, for the Petitioner.**

**Mr. Pravin Samdhani, Senior Advocate, with Mr. Mayur Khandeparkar & Mr. Nivit Srivastava & Mr. Harsh Behani, i/b Maniar Srivastava Associates, for Respondent No. 1.**

**Mr. Cyrus Ardeshir, with Mr. Rahul Dwarkadas, Ms. Prachi Dhanani, & Mr. Shyam Gopal, i/b Veritas Legal, for Respondent No. 3.**

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**CORAM: G.S. PATEL, J  
DATED: 13th January 2017**

**PC:-**

1. By consent, as between the Petitioner and 1st Respondent and in supersession of any contractual provision for selection of the Arbitral Panel, and also in supersession of all previous orders, the disputes between the Petitioner and 1st Respondent are referred to the sole arbitration of the Hon'ble Mr Justice SN Variava, former Judge of the Supreme Court of India.

2. The Advocates for the Petitioner have obtained Mr Justice Variava's consent. The necessary statements of disclosure under Section 11(8) and Section 12 of the Arbitration & Conciliation Act, 1996 will be filed through the Advocates for the Petitioner, with a copy to the Advocates for the 1st Respondent, within four weeks from today.

3. Both the Petitioner and the 1st Respondent will be at liberty to make an application for interim reliefs before the learned Sole Arbitrator.

4. As regards the 3rd Respondent, Yes Bank Limited, admittedly there is no arbitration agreement with it. It is, however, noted for the record that the 1st Respondent has banking facilities with Yes Bank Ltd, and that Yes Bank Ltd has claims against the 1st Respondent. Mr Ardeshir for Yes Bank Ltd says that the bank has appropriated certain amounts that are due to it from the 1st Respondent's funds or accounts held with the 3rd Respondent. This is noted.

5. In view of this, the Petition under Section 9 of the Arbitration & Conciliation Act, 1996 does not survive and is disposed of accordingly.

**(G. S. PATEL, J.)**