

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

ARBITRATION PETITION NO.980 OF 2010

Apple Kids Wear & Ors.	...Petitioners
vs.	
The Saraswat Co-operative Bank Ltd.	...Respondent

Mr.Yatin S. Khochare for the Petitioner.
Mr. Harshad Sathe i/b Mrs. Swati D. Sawant for the Respondent.

CORAM : K.R.SHRIRAM, J.
DATE : 28th SEPTEMBER, 2017

P.C.:

1. Mr.Sathe, learned counsel for the Respondent in view of the point raised by the learned counsel for the Petitioner that the Arbitrator has not permitted them to cross examine the witnesses of the Respondent, has taken instructions and on instructions states that the award can be, by consent, set aside and sent back to be heard by a new Arbitrator to be appointed under section 84 of the Multi-State Co-operative Societies Act. Mr. Khochare, learned counsel for the Petitioner, on instructions has no objection.

2. Mr. Sathe states that one Mr. K. J. Paratwar can be appointed as an Arbitrator. Therefore, by consent the award dated 24/9/2009 is set aside and the matter is remanded to be adjudicated afresh by Mr. Paratwar, the Arbitrator. All rights and contentions of both the parties are kept open

to be raised before the learned Arbitrator. The learned Arbitrator, if the parties request, should permit them to file any further documents in support of their respective cases. The Arbitrator will also pass a reasoned award.

3. In view of the above, the petition stands disposed of.

(K.R. SHRIRAM, J.)