

**IN THE HIGH COURT OF BOMBAY AT GOA**

**APPEAL UNDER ARBITRATION ACT NO. 32 OF 2018**

**BUOYANCY CONSULTANCY AND  
ENGINEERING LLP., THR. ITS  
MANAGER, GOURISH MALEVADKAR.,** ... Appellant

Versus

**NITIIN BORGAVE.,** ... Respondent

Adv. Ashwin D. Bhobe with Adv. A. Sawant for the Appellant.  
Adv. E. Usapkar for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 12th December 2018

P.C.:

Heard for sometime.

2. The learned counsel for the parties point out that since after the passing of the impugned order, the arbitrator is appointed and has entered upon arbitration.

3. The learned counsel for the respondent, on instructions, states that the respondent shall file appropriate application before the arbitrator, seeking return of the education documents from the appellant. Needless to mention that if such an application is filed, the arbitrator shall decide the same on its own merits and without being influenced by the observations made in the impugned

order.

4. In that view of the matter, the claim for return of the education documents as made or granted before the District Court does not survive. The appeal is disposed off in the aforesaid terms with no order as to costs.

5. Rival contentions of the parties are left open.

C. V. BHADANG, J.

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