

dik

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

ARBITRATION PETITION NO. 720 OF 2018

Mahanagar Telephone Nigam Ltd.	...Petitioner.
vs	
M/s M.S.Enterprises & Anr.	...Respondents

.....
Ms Dikshita P. Gupte for the Petitioner.
Mr R. Shah I/b Lex Conseiller for Respondent No.1.
Mr Ramesh Ramamurthy a/w Ms Jayashree Pillai for Respondent
No.2.

.....
**CORAM : B.P.COLABAWALLA, J.
NOVEMBER 26, 2018.**

P.C. :

Though I have formerly allowed the amendment application today, both the parties agreed that this petition can be disposed of today itself without waiting for the amendment to be carried out in the body of the Petition. Hence I have proceeded to hear the Petition.

2 I have gone through the petition. The prayer originally made in this Petition was that under Section 15 of the Arbitration and Conciliation Act, 1996 (for short "the Act") this Court may terminate the mandate of Respondent No.2 as the Arbitrator and the petitioner be allowed to appoint or substitute a fresh arbitrator.

3 After amendment an additional prayer is incorporated to the effect that the order dated 16th November, 2017 (passed by the

Arbitrator) be set aside under Section 34 of the Act. This order dated 16th November, 2017 was an order passed by the Arbitrator on an application filed by the Petitioner herein under Section 12(3) of the Act asking the Arbitrator to recuse himself from the matter. This application was rejected by the Arbitrator. It is, in these circumstances, this order is challenged.

4 I find that this petition is wholly misconceived. The prayers as sought for cannot be granted at this stage. If the petitioner herein suffers an award adverse to it, it will always be open for it to raise all these grounds when they challenge the final award under Section 34 of the Act. Keeping this open, the Arbitration Petition is dismissed. However, there shall be no order as to costs.

(B.P.COLABAWALLA, J.)