

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY PETITION NO.289 OF 2016**

Evonik India Private Limited

....Petitioner

Vs.

Reliable Spaces Private Limited

....Respondent

Dr. Birendra Saraf a/w. Mr. Shyam Kapadia and Ms. J. Vadodaria i/b. Negandhi Shah and Himayatullah for petitioner.

Mr. Venkatesh Parasuram, Company Secretary/Authorised signatory present.

Mr. Navroz Seervai, senior advocate a/w. Mr. Vishesh Kalra i/b. Vidhii Partners for respondent.

Mr. C.A. Pradip Lapasia, authorized representative of respondent company present.

CORAM : K.R.SHRIRAM, J.

DATE : 13th JUNE, 2018

P.C.:

1 Parties have entered into consent minutes of order dated 13th June 2018 whereby the parties have decided to refer all the disputes mentioned therein to arbitration and parties have also identified the Sole Arbitrator. The consent minutes of order dated 13th June 2018 signed by the authorised signatory of petitioner, respondent and their respective advocates is taken on record and marked “X” for identification. Both counsel state that the signatories to the consent minutes of order are present in Court and identify them.

2 Mr. Cyrus Ardeshir, an advocate practicing in this Court is appointed as Sole Arbitrator to arbitrate on all disputes as mentioned in the consent minutes of order. The Arbitrator, within two weeks, to file a

disclosure in writing as required under Section 11 (8) read with Section 12 (1) of the Arbitration and Conciliation Act, 1996 with the parties directly.

3 Order in terms of the consent minutes of order, which for ease of reference is reproduced hereunder :

1. The petitioner and Respondent have agreed to resolve their disputes inter se on the following terms :

(a) The disputes forming part of the present Company Petition along with those forming part of Summary Suit No.14 of 2018 filed before the Court of District Judge at Thane by the Petitioner against the Respondent and Special Civil Suit No.578 of 2017 filed by the Respondent against the Petitioner before the Court of the District Judge at Thane are referred to the sole arbitration of Mr. Cyrus Ardeshir, Advocate, High Court, Bombay. Costs of the arbitration shall be shared equally by the parties until the Award is passed.

(b) For the purpose of the issue of limitation, the date on which the abovementioned Summary Suit filed by the Petitioner against the Respondent and the Special Civil Suit filed by the Respondent against the Petitioner shall be the date on which the said arbitration shall be deemed to have commenced between the parties.

(c) All rights and contentions of the parties are expressly left open to be urged before the Ld. Sole Arbitrator.

(d) Parties are at liberty to file fresh pleadings in the arbitration. Parties are also at liberty to file applications for interim relief, if they so choose.

(e) Both parties shall co-operate in the timely disposal of the arbitration proceedings.

2. The Company Petition shall stand disposed-off on these terms. The abovementioned Summary Suit No.14 of 2018 and Special Civil Suit No.578 of 2017 shall also be deemed to have been referred to arbitration as recorded above. The Parties shall bring these Consent Minutes of Order and the reference to arbitration to the notice of the relevant courts

whereupon the said two suits may also be disposed-off in light of the terms hereof.

4 Petition accordingly stands disposed.

(K.R. SHRIRAM, J.)