

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION (L) NO.314 OF 2018**

Sushilkumar Agarwal	...	Petitioner
versus		
Bholaprasad Agarwal	...	Respondent

Mr. S.C.Naidu with Mr. Sajal Yadav i/by Mr. S.K.Saxena, for Petitioner.
Mr. S.A.Abhyankar, for Respondent.

**CORAM: S.J. KATHAWALLA, J.
DATE: 26th MARCH, 2018**

P.C.:

1. The learned Advocate appearing for the Petitioner tenders draft amendment and seeks to amend the Petition in terms of the draft amendment. Draft amendment is taken on record and marked 'X' for identification. The Petitioner is allowed to amend the Plaint in terms of the draft amendment, marked 'X'. Amendment to be carried out on or before 28th March, 2018.

2. Heard the learned Advocates appearing for the parties and the following order is passed by consent :

(i) Mr. Rohan Kelkar, Advocate is appointed as the sole Arbitrator to decide the disputes between the parties arising out of the Partnership Deed dated 15th June, 1999.

(ii) The disclosure of Mr. Rohan Kelkar, Advocate under Section 11 (8) read with Section 12 (1) of the Arbitration and Conciliation Act, 1996 as amended by

the Arbitration and Conciliation (Amendment) Act, 2015 (3 of 2016) is taken on record.

(iii) The parties shall appear before the learned Arbitrator in his chambers, on 28th March, 2018 at 05.30 p.m. and obtain necessary directions.

(iv) The present Petition filed under Section 9 of the Act, shall be treated as a Petition under Section 17 of the Act by the learned Arbitrator and decided within a period of 8 weeks from today.

(v) Pending the determination of the Petition under Section 17 of the Act, both the parties shall maintain status quo in respect of the assets of the Partnership i.e. movable and immovable described in the Petition.

(vi) The learned Arbitrator shall endeavour to pass his final Award within a period of six months from the date of this order.

(vii) All contentions of the parties are kept open.

(viii) The cost of arbitration shall initially be borne by the parties equally.

(ix) The venue of Arbitration shall be at Mumbai.

(x) In view of this order, the above Arbitration Petition disposed of.

(S.J.KATHAWALLA, J.)