

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

**ARBITRATION PETITION (L) NO.431 OF 2018
WITH
NOTICE OF MOTION (L) NO.954 OF 2018**

Ace Healthways Pvt. Ltd. and ors. ... Petitioners/Applicants
Vs.
M/s India Infoline Finance Ltd. ... Respondent

Mr.Suneet Gupta with Mr.K.Diler for the Petitioners.
Dr. Birendra Saraf with Ms. Sunitha Perumal i/by Mr.Sachin V.
Masurkar for the Respondent.

**CORAM : R.D.DHANUKA, J.
DATE : APRIL 26, 2018.**

P.C. :

1. Dr.Birendra Saraf, learned counsel appearing for the Respondent on instructions states that he has no objection if the impugned order passed by the learned Arbitrator on 30th March 2018, is set aside and the application filed by the Respondent under Section 17 of the Arbitration and Conciliation Act, 1996 in which the said impugned order came to be passed is restored to file and is heard afresh in accordance with law. Statement is accepted. Impugned order dated 30th March 2018, passed by the

learned Arbitrator is accordingly set aside. Application filed by the Respondent under Section 17 of the Arbitration and Conciliation Act 1996, is restored to file and to be heard in accordance with law, after granting opportunity to both the parties.

2. The learned Arbitrator shall decide the matter without being influenced by the observations made and the conclusion drawn in the impugned order. The Respondent shall serve a copy of the arbitral proceedings upon the learned advocate on record for the Petitioners within one week from today. The Petitioners would be at liberty to file affidavit-in-reply under Section 17 of the Arbitration and Conciliation Act 1996, before the learned Arbitrator from the date of service of the papers and proceedings and shall serve a copy thereof to the Respondent's Advocate simultaneously. Rejoinder, if any, shall be filed within one week from the date of service of the affidavit-in-reply and a copy thereof shall be served upon the Respondent's advocate simultaneously. The learned Arbitrator shall decide the application under Section 17 expeditiously.

3. In so far as the application filed by the Petitioners under

Section 12 read with Section 13 of the Arbitration and Conciliation Act, 1996 is concerned, the Respondent is directed to file an affidavit-in reply to the said application within two weeks from today and a copy thereof shall be served upon the Petitioners' advocate simultaneously. Rejoinder, if any, shall be filed within one week from the date of service of the affidavit-in-reply and a copy thereof shall be served upon the Respondent's advocate simultaneously. The learned Arbitrator shall hear both the applications together and shall pass an order simultaneously.

4. Petition is disposed of in the aforesaid terms. There is no order as to costs.

5. All contentions of both the parties on merits are kept open.

6. In view of the disposal of the petition, Notice of motion does not survive and is disposed of.

(R.D.DHANUKA, J.)

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