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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.798 OF 2016

Knowledge Infrastructure Systems Pvt. Ltd.Petitioner

vs

Maharashtra Power Generation Company Ltd. ...Respondent

.....

Mr. Shyam Kapadia, a/w. Ms. Faiza Dhanani, i/b. Dhruve Liladhar & Co.,
for the Petitioner.

Mr. Sanjay Jain, i/b. LJ Law, for the Respondent.

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CORAM : S.C. GUPTE, J.

DATED: 30 NOVEMBER, 2018

P.C.:

. This petition is filed under Section 9 of the Arbitration and Conciliation Act 1996 and seeks interlocutory orders in aid of an arbitration reference. Pursuant to an order passed by this Court on 30 October 2018, an arbitral tribunal has been constituted to hear the reference. Learned Counsel for the Petitioner states that his client shall pursue its remedy for interlocutory relief before the arbitral tribunal under Section 17 of the Arbitration and Conciliation Act, 1996. Learned Counsel accordingly does not press the present petition.

2. The present petition is disposed of by converting the same into an application under Section 17 and placing the same before the arbitral tribunal constituted under (i) the order dated 30 October 2018 and (ii) communication dated 29 November 2018 addressed by the two

arbitrators to the third arbitrator. All rights and contentions of the parties on merits are kept open. This order shall not, in any way, prejudice the rights and contentions of either parties concerning the validity or propriety of the order dated 30 October 2018 passed under Section 11 of the Arbitration and Conciliation Act, 1996.

(S.C. GUPTE, J.)