

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

ARBITRATION APPLICATION NO.122 OF 2017

Datawind Innovations Pvt. Ltd. ... Applicant
versus
Indus Mobile Distribution Pvt. Ltd. ... Respondent

**WITH
ARBITRATION PETITION NO.458 OF 2017**

Datawind Innovations Pvt. Ltd. ... Petitioner
versus
Indus Mobile Distribution Pvt. Ltd. ... Respondent

Mr. P. Das i/by M/s. Das Associates, for Applicant.
Mr. Sachin J. Kadam with Ms. Manali D. Surve, for Respondent.

CORAM: S.J. KATHAWALLA, J.
DATE: 22nd JANUARY, 2018

P.C.:

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

(i) Mr. Arif Bookwala, Senior Advocate is appointed as the sole Arbitrator to decide the disputes between the parties arising out of the Agreement dated 25-10-2014.

(ii) The disclosure of Mr. Arif Bookwala, Senior 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 29th January, 2018 at 05.30 p.m. and obtain necessary directions.

(iv) The present Arbitration Petition filed under Section 9 of the Act shall be treated by the Arbitrator under Section 17 of the Act and decided by the Arbitrator within 8 weeks from 29-01-2018. The ad-interim order passed in the Arbitration Petition shall continue for a period of 8 weeks from 29-01-2018 i.e. upto 26-03-2018.

(v) The present Arbitrator shall proceed with the arbitration proceedings from the stage at which the earlier Arbitrator has left it. The earlier Arbitrator shall handover the records of the arbitration proceedings in a sealed cover to the Advocate for the Applicant/Petitioner, who in turn will handover the same in a sealed cover to the present Arbitrator.

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

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

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

(ix) In view of this order, the above Arbitration Application as well as Arbitration Petition are disposed off.

(S.J.KATHAWALLA, J.)