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

COMMERCIAL APPEAL LODGING NO. 245 OF 2018
IN
COMMERCIAL ARBITRATION PETITION (L) NO. 200 OF 2018
WITH
NOTICE OF MOTION (L) NO. 558 OF 2018
AND
NOTICE OF MOTION (L) NO.499 OF 2018

Tigaksha Metallics Private Limited

..Appellant

Vs.

Supermax Personal Care Pvt. Ltd. & anr.

.. Respondents

Mr. Jishnu Saha, Sr. Advocate a/w Mr. Raja Thakare, Mr. S. Shirsat I/b Vinamra Kopariha with Mihir Joshi for the appellant.

Mr. Janak Dwarkadas, Sr. Advocate a/w Mr. Pesi Modi, Sr. Advocate a/w Mr. Ashish Kamat, Ms. S. Parchure, Mr. P. Chitale I/b ABZ and Partners for respondent no.1.

Mr. D. R. Shetty, Court Receirver present.

CORAM: NARESH H. PATIL &
G. S. KULKARNI, JJ.

JUNE 15, 2018.

P.C.

1. We heard the learned counsel for the contesting parties.
2. By consent, we appoint Former Chief Justice Shri S. J. Vazifdar as an Arbitrator subject to necessary declaration in accordance with law.

3. The learned Senior Counsel appearing for the parties agree that the appellant's applications for interim relief, modification of the order, pending before the learned Single Judge or any other applications for interim relief or modification, which is preferred by the appellant and the Notice of Motion as filed by the appellant in the present appeal be treated as application under Section 17 of the Arbitration and Conciliation Act, 1996 before the Arbitrator and same be taken up on priority.

4. The Court Receiver appointed would continue to operate till an application under Section 17 of the Arbitration and Conciliation Act gets decided by the learned Arbitrator. We expect that the interim application would be decided at the earliest.

5. The learned Senior Counsel Mr. Dwarkadas submits that the respondents herein would submit their statement of claim within four weeks from the date of the learned Arbitrator granting his consent to arbitrate the dispute. The parties agree that the application filed before the learned Single Judge for the interim relief would get transferred to the learned Arbitrator. Pending Notices of Motion (L) Nos. 558 and 499 of 2018 shall also be transferred to the learned Arbitrator. Reply, if any, to

such application shall be filed within two weeks before the Arbitrator. We order accordingly.

6. Considering the facts of the case, the learned Arbitrator would make endeavour to expeditiously deal with the interim applications or application under Section 17 of the Arbitration and Conciliation Act, 1996.

7. In view of the above, appeal stands disposed of.

(G. S. KULKARNI, J.)

(NARESH H. PATIL, J.)