

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

ARBITRATION PETITION NO. 905 OF 2016

Hemant Mehta

...Petitioner

vs

Ravindra Mehta and Anr.

...Respondents

Mr.Rohan Kadam with Sahil Ansari I/b. Bipin Joshi for Petitioner.

CORAM : S.C.GUPTE, J.

DATE : 14 DECEMBER 2018

P.C. :

Heard learned Counsel for the Petitioner. None appears for the Respondents. The Respondents were absent even on the last occasion, i.e. on 30 November 2018.

2 The petition is under Section 9 of the Arbitration and Conciliation Act, 1996. The disputes between the parties concern a partnership under the name of “Neel Controls”, which is engaged in the manufacture and sale of electrical equipment and transformers. In pursuance of the disputes, the Petitioner invoked the arbitration clause forming part of the partnership deed and simultaneously, made an application for interim relief under Section 9 of the Arbitration and Conciliation Act, 1996. In that petition, by consent, a sole arbitrator was appointed by the court and the application under Section 9 was converted into an application under Section 17 before the learned arbitrator. By an order passed on the application under Section 17, the sole arbitrator directed the Respondents herein to make available books of accounts and papers and records of the firm to the Petitioner. It is the grievance of the

Petitioner, as originally voiced in the petition and as pressed by learned Counsel for the Petitioner, on instructions, that despite this order, till date, the Respondents have only served copies of balance sheets of the last four financial years. The Petitioner is, accordingly, seeking assistance of the court to require or compel the Respondents to comply with the interim order of the sole arbitrator. The order is of 27 October 2015 and was modified by further order dated 10 December 2015. The averments made in the petition in support of the relief sought are uncontroverted. There is no reply to the arbitration petition.

3 For the reasons stated in the arbitration petition, the petition is allowed in terms of prayer clause (a). Documents and particulars referred to in prayer clause (a) shall be furnished by the Respondents to the Petitioner within eight weeks from today.

(S.C. GUPTE, J.)