

L and T Finance Ltd. ... **Petitioner**
versus
Bharath Automobiles and Ors. ... **Respondents**

Mr. Shyam Kapadia with Mr. Ranabir Datta, Ms. Shruti Maniar, Mr. Rahul Soman
I/by M/s. Solomon and Co., for Petitioners.
Mr. Amrut Joshi i/by Mr. D.S.V.Ranji, for Respondents.

CORAM: S.J. KATHAWALLA, J.

DATE: 29th AUGUST, 2018

P.C.:

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

(i) Mr. Phiroz Bharucha, Advocate is appointed as the sole Arbitrator to decide the disputes between the parties arising out of the Facility Agreement dated 23rd June, 2017.

(ii) The disclosure of Mr. Phiroz Bharucha, 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) (the Act) is taken on record.

(iii) The parties and/or their Advocates shall appear before the learned Arbitrator in his chambers, on 1st September, 2018 at 11.00 a.m. and obtain necessary

directions.

(iv) The present Petition filed under Section 9 of the Act shall be treated as a Petition under Section 17 of the Act and decided by the learned Arbitrator at the earliest.

(v) The order dated 13th August, 2018 shall continue until the learned Arbitrator decide the Application/Petition under Section 17 of the Act.

(vi) The learned Arbitrator shall endeavour to pass his final Award within a period of six months from the date of this order.

(vii) The learned Arbitrator shall follow the summary procedure under Section 29B of the Act.

(viii) The Suit filed before the Court at Nagercoil bearing O.S.No.190 of 2018 shall not survive. However, the Respondents shall be at liberty to take up the contentions raised therein.

(ix) The learned Arbitrator shall endeavour to pass his final Award within a period of six months from the date of this order.

(x) The learned Arbitrator shall not grant adjournments to the parties unless absolutely necessary.

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

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

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

(xiv) In view of this order, the above Arbitration Petition is disposed of.

(S.J.KATHAWALLA, J.)

Swaroop
Sharad
Phadke

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