

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

ARBITRATION PETITION NO.1274 OF 2016

Behram Hoshang Bakht	...	Petitioner
Versus		
M/s New York Stores & Restaurant		
And Others	...	Respondents

Mr. Vivek Walawalkar I/b Mr. V.S. Kapse for the Petitioner.
Mr. Kishore Jain a/w Ms. Priyal Chheda I/b Mr. Sundar Mani & Ms. Divya Jain for Respondent Nos. 1 and 2.

CORAM : S.C.GUPTE, J.

DATE : 26 NOVEMBER 2018

P. C. :

Heard learned Counsel for the parties.

2 This arbitration petition challenges an order of a sole arbitrator, by which the arbitrator has terminated the proceedings on the ground of having found the continuation of the proceedings to have become impossible. An order terminating proceedings under Section 32(2) of the Arbitration and Conciliation Act, 1996 is not an award and hence, cannot be challenged under Section 34. This position is not disputed by learned Counsel for the Petitioner. Learned Counsel, however, submits that he may be allowed to convert this petition into a petition under sub-section (2) of Section 14. When asked if instead this petition may be withdrawn simplicitor, in which case, the Petitioner may have liberty to adopt such proceedings as may be permissible to him in law, learned Counsel for the

Petitioner agrees to do so. The petition is, accordingly, dismissed as withdrawn with liberty to the Petitioner to adopt such proceedings as may be permissible to him in law.

(S.C. GUPTE, J.)