

psv

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

ARBITRATION PETITION NO.97 OF 2017

Chintan Arvind Shah & Anr.	..Petitioners
Vs.	
Harmya Developers & Ors.	..Respondents

Ms.Krishna Raja i/b.L.J. Law for Petitioners.

Mr.Rajesh Maravoor i/b. Maravoor Wamorkar & Co. for Respondents.

CORAM : G.S. KULKARNI, J.

DATE : 11th JANUARY, 2019

P.C.:

After this petition was heard for sometime, learned Counsel for the petitioners makes a statement that her client's grievance in this petition under Section 9 of the Arbitration and Conciliation Act, 1996 (for short, the "ACA") stands redressed in terms of the orders dated 1 February 2017 and 3 February 2017. Learned Counsel for the petitioners submits that in view of the said orders, she seeks leave to withdraw this petition with liberty to raise all other contentions in the proceedings before the arbitral tribunal.

2. Today by a separate order passed in commercial arbitration application No.208 of 2018, an arbitrator is already appointed to adjudicate the disputes and differences between the parties.

3. The request as made on behalf of the petitioners is reasonable. Accordingly, the petition is allowed to be withdrawn in terms of the statement as made on behalf of the petitioners with liberty to the petitioners to espouse any further cause/issues before the arbitral tribunal. All contentions of the parties in that regard are expressly kept open.

4. Needless to observe that if the petitioners intend to seek any further reliefs on the disputes, the petitioners would be entitled to move an appropriate application under Section 17 of the ACA before the arbitral tribunal. All contentions of the parties in that regard are kept open.

5. The petition is accordingly disposed of in the above terms. No costs.

[G.S. KULKARNI, J.]