

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****ARBITRATION PETITION NO.915 OF 2016**

M/s. Mumbai Gold Cabs Pvt. Ltd.Petitioner

vs

M/s. Accord Advertising Pvt. Ltd. ...Respondent

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Mr. V.P. Vaidya, i/b. Mr. M.M. Agavekar, for the Petitioner.

Ms. Aparajita Chandra, i/b. Ms. Amrita Saldanha, for the Respondent.

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CORAM : S.C. GUPTE, J.

DATED: 11 JANUARY, 2019

P.C.:

. Heard learned Counsel for the parties. This arbitration petition seeks an interim protection pending an arbitration reference. There is no ad-interim order as of now in the arbitration petition. Learned Counsel for the Petitioner submits that the arbitration reference involves claims of the Respondent as well as the counter-claims of the Petitioner. Learned Counsel submits that for non-payment of the arbitrator's fees, the proceedings in respect of the Respondent's claims have been terminated and as of now the only matter before the arbitral forum is the counter-claims of the Petitioner. Learned Counsel submits that considering the fact that the Respondent has even expressed its inability to pay the arbitrator's fees, the Petitioner apprehends that the Respondent may not be in a position as at the date of the award to pay the awarded counter-claims of the Petitioner. Learned Counsel submits

that the Petitioner has a good case in support of its counter-claims. Considering the fact that the reference has proceeded before the learned arbitrator all this while, a proper course would be to seek appropriate interim reliefs under Section 17 of the Arbitration and Conciliation Act, 1996. Accordingly, the petition is disposed of with liberty to the Petitioner to apply for interim protective reliefs under Section 17 before the arbitral forum. All rights and contentions of the parties on merits are kept open.

(S.C. GUPTE, J.)