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

**NOTICE OF MOTION (L) NO.623 OF 2019
IN
COMMERCIAL ARBITRATION PETITION (L) NO.238 OF 2019**

Maharashtra State Electricity Distribution
Company Ltd. ... Applicant.

In the matter between

Maharashtra State Electricity Distribution
Company Ltd. ... Petitioner.

V/s.

Godrej and Boyce Manufacturing Co.Ltd. ... Respondents

Mr.A. S. Daver a/w Mr. Nirav Shah Mr. Anuj Jaiswal i/by
Little & Co., for the applicant.

Mr. Rohan Cam, a/w Ms. Dhavni Shah, Mr. Samhit Malladi,
Ms. Sanika Gokhale i/by Cyril Amarchand Mangaldas, for
respondent.

CORAM : G. S. KULKARNI, J.

DATE : 8th MARCH, 2019.

P.C. :

1] Heard Mr. A. S. Daver, learned counsel for the applicant and
Mr. Rohan Cama, learned counsel for the respondent.

2] By this Notice of Motion, the applicant petitioner has made the
following prayers :-

"a) That pending the hearing and final disposal of the Arbitration Petition,
this Hon'ble Court may be pleased to stay initiation of any further

proceedings /steps by the Respondent pursuant to the interim award dated 15th February 2019 and Minutes of the Meeting dated 9th February 2019 passed by the learned Sole Arbitrator;

b) For ad-interim/interim reliefs in terms of prayer (a) above;

c) An order awarding costs of this Notice of Motion in favour of the Plaintiff and

d) such other relief (s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

3] Admittedly the petition under Section 34 of the Arbitration and Conciliation Act, 1996, (for short, "ACA"), has been filed challenging the interim award dated 15.2.2019, passed by the learned sole Arbitrator. Considering clear provisions under Section 34 of the ACA, prayers as made in the Notice of Motion are not maintainable. The Notice of Motion cannot be entertained for such prayers.

4] As the arbitral proceedings are pending, whatever reliefs the petitioner intends to seek, can be sought before the arbitral tribunal.

5] The Notice of Motion is dismissed. No costs.

[G. S. KULKARNI, J]