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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMM ARBITRATION PETITION NO. 604 OF 2018**

L & T Finance Ltd	...Petitioner
<i>Versus</i>	
Brij Bhushan Singal & Anr	...Respondents

**WITH
COMM ARBITRATION PETITION NO. 613 OF 2018**

L & T Finance Ltd	...Petitioner
<i>Versus</i>	
Brij Bhushan Singal & Anr	...Respondents

**WITH
COMM ARBITRATION PETITION NO. 616 OF 2018**

L & T Finance Ltd	...Petitioner
<i>Versus</i>	
Brij Bhushan Singal & Anr	...Respondents

Mr Sachin Chandarana, *with Mr Vivek Dwivedi, i/b Manilal Kher
Ambalal & Company, for the Petitioner.*

Mr Mayur Khandeparkar, *with Mr Dhiraj Mhetre, Mr Parth Dua &
Ms Smiti Tewari, i/b Khaitan Legal Associates, for Respondents
Nos. 1 and 2.*

Mr Karl Tamboly, *with Mr Aniket Nimbalkar, i/b AZB & Partners,
for Tata Steel Limited.*

CORAM: G.S. PATEL, J
DATED: 13th February 2019

PC:-

1. On 29th May 2018, Tata Steel Limited (“**Tata Steel**”) was the resolution applicant and successful purchaser. In the order of 29th May 2018 in the Respondents’ Notice of Motion (L) No. 1270 of 2018, Tata Steel was directed along with the Resolution Professional to remain present on 31st May 2018 to explain to SJ Kathawalla J why a copy of the resolution plan should not be made available to the Applicants/Respondents. There was a further order in Chambers on 31st May 2018. A statement was made that the Applicants/Respondents were not pressing for the reliefs in terms of prayer clause (a) of the Motion that was then before the Court. The statement was accepted.
2. It appears that the Respondents’ Disclosure Affidavit was prepared but was agreed to be retained by the Advocates for the Respondents in a sealed envelope.
3. The submission by the Petitioner today in all three matters is to dispose of the Section 9 Petitions by permitting the Petitioners to present these Petitions as applications under Section 17 of the Arbitration and Conciliation Act 1996 before the Arbitral Tribunal that has already been constituted. This is accepted and so ordered.
4. All contentions are left open.

5. Mr Khandeparkar on behalf of the Respondents has instructions to make a statement in terms of the injunction granted on 3rd May 2018. That statement is also accepted as a statement made to this Court.

6. All three Petitions are disposed of in these terms with a clarification that in the application for interim relief before the Arbitral Tribunal, the Petitioners will be at liberty to seek additional reliefs as well including in regard to the disclosures sought from the Respondents.

7. So far as the Respondents' Notice of Motion (L) No. 1270 of 2018 is concerned, it is dismissed as withdrawn with liberty to the Respondents to file a substantive proceeding under Section 9 of the Arbitration and Conciliation Act 1996 or such other proceedings as they may be advised in law either in this Court or before the Tribunal.

8. Tata Steel was summoned only to produce a copy of the resolution plan because this is what the Court considered necessary at that stage. There is no question of directing Tata Steel to be a party to this Arbitration. It is open to either side to summon documents from the Tata Steel and to obtain an order from the Arbitral Tribunal on a case being made out.

(G. S. PATEL, J)