

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMM ARBITRATION PETITION NO. 780 OF 2019**

Deepak Textiles Through its Proprietor
Mr Gorakh Shankar Bhamre ...Petitioner
Versus
Janata Sahakari Bank Ltd., Pune & Anr. ...Respondents

None for the Petitioner.
Mr Shrivallabh S Panchpor, i/b Abhineet NP for Respondent No 1.

CORAM: G.S. PATEL, J.
DATED: 9th December 2019

PC:-

1. By consent, parties agree that the order of 24th January 2019 passed by the learned sole arbitrator be set aside. It is accordingly set aside.
2. The arbitrator will consider the interim application filed by the Respondent, Janata Sahakari Bank Limited, Pune on merits after giving the Respondent a minimum of three weeks' prior notice, considering all affidavits filed, and setting out sufficient reasons for any order that he may choose to pass. I am making it clear that an

order of the kind at pages 20 and 21 passed on 24th January 2019 is unsustainable in law.

3. There will be no forcible steps pursuant to the 24th January 2019 order nor pursuant to any other warrant or other steps taken by the learned sole arbitrator or the claimant until the interim application is disposed of. If that interim application is decided against the Respondent to the Arbitration Application (present Petitioner before me), it will not be acted on for a period of four weeks thereafter. If the property in question is already attached pursuant to the 24th January 2019 order, that attachment will stand raised. However, the present Petitioner is not to dispose of, alienate, encumber, part with possession or create any third party rights in respect of that property until the disposal of the interim application and for a period of four weeks thereafter.

4. The Petition is disposed of in these terms.

(G. S. PATEL, J)