

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

**NOTICE OF MOTION NO. 425 OF 2017
IN
COMMERCIAL ARBITRATION PETITION NO. 132 OF 2017**

Triveni Co-operative Housing Society Ltd. ...Petitioner
vs
M/s.Reliance Estate Developers & Ors. ...Respondents/Applicants

None for Applicant.
Mr.Nitin Sopan Parkhe for Original Petitioner.

CORAM : S.C.GUPTE, J.

DATE : 16 APRIL 2019

P.C. :

This notice of motion has been taken out in an arbitration petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 ("Act"). It seeks reliefs in respect of an order passed by an arbitral tribunal under Section 17 of the Act. The arbitrator's order under Section 17 was challenged before this court in an appeal filed under Section 37 of the Act. That appeal and other miscellaneous proceedings including the present notice of motion were directed to be heard together by an order passed by this court on 30 August 2018. Pursuant to that order, an application was made before the Hon'ble the Chief Justice for clubbing of matters and assigning them to one court. That was done and the matters were heard together by a learned Single Judge of this court. By an order dated 30 August 2018, the proceedings were disposed of by a common order. The challenge to the arbitrator's order under Section 17 was rejected by the learned Single Judge. So were the miscellaneous proceedings disposed of. Though this notice of motion was, in terms, referred to in the order of 30

August 2018 (paragraph 55 of the order), the cause title of the order does not show any reference to the present notice of motion. If one has regard to the comprehensive order passed by learned Single Judge on 30 August 2018, it is clear that even this notice of motion was disposed of, though, apparently, through oversight, it was not shown in the cause title in the order.

2 Accordingly, the present notice of motion may be treated as disposed of in terms of the order passed in Arbitration Petition No.813 of 2017 and other miscellaneous matters on 30 August 2018.

(S.C. GUPTE, J.)