

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 1412 OF 2019**

Girish Narandas Sidhpura	...Petitioner
<i>Versus</i>	
Raj Rajeshwari Corporation & Ors	...Respondents

Mr Piyush Shah, *for the Petitioner.*
Ms Kritika Sethi, *i/b Cyril Amarchand Mangaldas, for the*
Respondents.

CORAM: G.S. PATEL, J.
DATED: 19th November 2019

PC:-

1. The Court appointed Mr Rohan Rajadhyaksha, a learned Advocate of this Court as a sole arbitrator to decide the disputes and differences arising from the partnership agreement dated 15th October 2015 by its order dated 12th April 2018. The learned sole arbitrator held a preliminary meeting on 17th April 2018.

2. The arbitral proceedings commenced. Pleadings were filed. Issues were ultimately settled. In early-January 2019 the petitioner's documents were marked. Parties initially agreed for six months initial extension. The arbitral mandate ended on 6th October 2019.

3. I am informed that day before yesterday, i.e. on 17th November 2019 the learned sole arbitrator expressed his unwillingness to continue and has withdrawn from the arbitral proceedings. I am shown a copy of his order dated 17th November 2019. In this, he notes a disturbing pattern of conduct by the parties. The respondents have been negligent and delinquent in paying their share of arbitration costs and fees. In addition, there is also partial non-compliance by the claimant which has issued cheques and then requested that these not be deposited. The claimant too has delayed payment. The additional complication in this matter is that the advocates for the respondents have been instructed to withdraw their appearance in the arbitral proceedings. They have communicated this to the learned sole arbitrator.

4. I can see no reasons, in these circumstances, to extend the arbitral mandate. In any case, now the learned Sole Arbitrator has withdrawn, that question simply does not arise.

5. The petition is dismissed inter alia as infructuous.

(G. S. PATEL, J)