

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****CONTEMPT PETITION NO.64 OF 2017****IN****ARBITRATION PETITION NO.975 OF 2014**

Shri Arun Sudam Bhatkar

....Petitioner

vs

Nandakumar Anant Temkar And 2 Ors.

...Respondents

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Mr. Kishore Patil, for the Petitioner.

Mr. A.R. Pai, a/w. Ms. Neuty N. Thakkar, for Respondent Nos.1 to 3.

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CORAM : S.C. GUPTE, J.**DATED: 4 APRIL 2019****P.C.:**

. This contempt petition alleges breach or disobedience of an order passed by this Court on 2 July 2014 in Arbitration Petition (L) No.656 of 2014, which was under Section 9 seeking protective reliefs pending a reference. By the order, the application was allowed to be converted into an application under Section 17 of the Act. The order *inter alia* records and accepts a statement that till the application under Section 17 is disposed of by the arbitrator, the Respondent to the petition would not create any third party rights in, or handover possession of, Flat Nos. 202, 1301, 1302 103 and 501, referred to in paragraph 12 of the Petitioner's additional affidavit dated 27 June 2014. The contempt petition alleges breach of this statement on the part of the Respondents. The Respondents have pointed out in their affidavit in reply to the

contempt petition that by a further order passed by this Court in a separate arbitration petition on 24 December 2014, the disputes concerning the partnership agreement between the parties were referred to the sole arbitration of an arbitrator and the statement made before this Court and recorded in the order of 2 July 2014 was continued for a period of eight weeks. The parties were given liberty to move the arbitrator appointed as per the order for ad-interim/interim reliefs under Section 17 of the Act. It is not in dispute that there was no order passed by the arbitrator and Section 17 application of the Petitioner was dismissed. In the premises, the agreement executed by the Respondents in respect of Flat No.501, which was on 26 November 2015, i.e. after the interim order passed by this Court on 2 July 2014 came to an end, does not constitute breach or disobedience of any Court order. The contempt petition is, accordingly, dismissed.

(S.C. GUPTE, J.)