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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1 OF 2019
IN
ARBITRATION PETITION NO. 1111 OF 2019**

Mohan Kumar Suvarna

...Applicant

Versus

Radha Madhav CHS Ltd And Anr

...Respondents

Ms Shabana Sothe, *for the Applicant.*

Mr Rubin Vakil, *with Mr Feroze Patel, i/b Vasant Dhawan, for the Respondent.*

CORAM: G.S. PATEL, J.

DATED: 11th November 2019

PC:-

1. The is an Application under Section 9 (3) of the Arbitration and Conciliation Act 1996. The Arbitrator, Mr Aditya Mehta, was appointed by an order dated 26th September 2018. Annexed to this Petition is a set of printouts of an e-mail correspondence between the claimant's Advocate, Ms Sothe, and the Arbitrator.

2. The present Petition is on the basis that the learned sole Arbitrator has declined to hear or proceed with a Section 17

Application because the claimant, the petitioner before me, has not filed, or has delayed in filing, the statement of claim.

3. Ms Sothe maintains that the delay is inadvertent or can be explained. That is not my concern. The learned sole Arbitrator is, in my judgment, quite justified in stating that unless there is a supporting statement of claim there is no question of hearing a Section 17 application or taking it as some sort of a stand-alone proceeding delinked from an underlying statement of claim. The nature of the cause of action pleaded in the statement of claim will undoubtedly have a bearing on Section 17 application. No reliefs are possible in this Petition.

4. The Interim Application is dismissed.

5. All contentions are kept open for Section 17 Application before the learned sole Arbitrator.

(G. S. PATEL, J)