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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 5 OF 2020

Motilal Oswal Commodities Brokers Pvt Ltd	...Petitioner
<i>Versus</i>	
Satish Kumar Bhala (HUF)	...Respondent

Ms Jinal Rathi, *with Ms Samhita Vinod, i/b Rahul Karnik, for the*
Petitioner.

CORAM: G.S. PATEL, J.
DATED: 4th February 2020

PC:-

1. This Petition is without doubt a most ill-conceived and ill-advised Petition.

2. The Petitioner, Motilal Oswal Commodities Brokers Pvt Ltd (“**Motilal Oswal Commodities**”) had an Arbitration Award from a three-member tribunal under the Multi Commodity Exchange Ltd against the Satish Kumar Bhala (HUF).

3. The Respondent to the arbitration, Satish Kumar Bhala (HUF) filed Arbitration Petition No. 316 of 2015 under Section 34 of the Arbitration and Conciliation Act 1996. That Award of the three-member tribunal was set aside by SC Gupte J on 16/26th

April 2019. The Court appointed Mr Sarosh Bharucha, learned Advocate of this Court as the learned Sole Arbitrator.

4. After that nobody did anything.

5. Satish Kumar Bhala (HUF) obviously had no interest in reviving the arbitration before the newly appointed sole Arbitrator. But, strangely, Motilal Oswal Commodities also did absolutely nothing. I am only told that there was some oral conversation with the Arbitrator but this is unsupported by anything at all. The only communication that Motilal Oswal Commodities had is the document at Exhibit “C” at page 20 when, for the first time on 20th November 2019, seven months after SC Gupte J’s order, Motilal Oswal Commodities wrote to Mr Bharucha asking him to take up the matter. This is the first request for a preliminary meeting. A copy of the High Court order was enclosed.

6. Nothing explains Motilal Oswal Commodities’ delay in this matter. The request in the Petition is to terminate Mr Bharucha’s mandate and to appoint another Arbitrator in his place. I refuse to do anything of the kind. Motilal Oswal Commodities ought to have explained why it did nothing for these months and other than saying that it was under the impression that Satish Kumar Bhala (HUF) would approach the Arbitrator, there is no explanation at all. Obviously the HUF had no interest in starting off a fresh arbitration and risking another award against itself in favour of Motilal Oswal. Why Motilal Oswal sat on its hands like this is unexplained.

7. The Petition is rejected. Motilal Oswal Commodities will write to the Arbitrator once again enclosing copy of today's order. Mr Bharucha's mandate continues for now. Time is extended for completion of the arbitral proceedings until 28th February 2021.
8. If Mr Bharucha is unable to enter upon the reference to his arbitration, he is requested to inform the Advocate for Motilal Oswal Commodities in writing at the earliest possible.
9. The Arbitration Petition is disposed of in these terms.

(G. S. PATEL, J)