

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 81 OF 2021
WITH
INTERIM APPLICATION NO. 2293 OF 2021

Tatva Corporate Solutions Pvt Ltd	...Petitioner
<i>Versus</i>	
Jidnyasa CHSL Ltd	...Respondent

Mr Mayur Khandeparkar, *with Ziyad Madon, Sujit Lahoti, Aniket Worlikar and M Paperwal, i/b Sujit Lahoti & Associates, for the Petitioner.*

Mr Anil Sakhare, *Senior Advocate, i/b Vikas Kolekar, for the Respondent.*

CORAM: G.S. PATEL, J
DATED: 5th October 2021

PC:-

1. Mr Khandeparkar on behalf of the Petitioner candidly states that impugned order was issued by the Civil Judge, Senior Division although the Petition under Section 9 filed by the Petitioner was in the Commercial Division and ought to have been placed before the District Judge.

2. The Petitioner will have to apply once again before the District Judge. He draws my attention to an office note of 9th

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September 2021. This shows that the Registrar of the District Court, Thane, for some reason that I cannot understand, assigned the matter to the Civil Judge, Senior Division, Thane. He could not have done this. The directions from the Principal District Judge were that the Petition ought to be referred to the Commercial Court for further process.

3. Accordingly, the Petition is disposed of by directing the Registrar of the District Court, Thane, to have the Petitioner's Section 9 Petition placed before the District Judge for appropriate orders. The Petitioners will be entitled to make an application, though after notice, before that Court including for ad-interim reliefs.

4. Mr Khandeparkar gives Mr Sakhare notice that he is making this application tomorrow.

5. The District Judge is directed to decide that application totally uninfluenced by the order of 15th September 2021 at page 51 which, being entirely without jurisdiction, is non-est and is accordingly set aside.

6. The IA will not survive and disposed of accordingly.

7. All concerned will act on production of a digitally signed copy of this order.

(G. S. PATEL, J)