

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
[COMMERCIAL DIVISION]

COMMERCIAL ARBITRATION PETITION NO.217 OF 2017

Reliance Capital Ltd.

.. Petitioner

Vs.

Abhijeet Roads Ltd. and Ors.

.. Respondents

Mr. Kulin Dave, i/by K.S. Legal & Associates, for the Petitioner.

None for the Respondents.

CORAM : A. K. MENON, J.

DATE : 8TH FEBRUARY, 2022.

[THROUGH VIDEO CONFERENCE]

P.C. :

1. This petition has been pending since 1st April 2017. An ad-interim order is seen to have been passed on 4th April 2017 and has been continuing till date. Respondents were represented on 21st April 2017 and thereafter on 27th June 2017 and on subsequent dates as late as 8th August 2017.

2. On 24th January 2022, Mr. Dave, learned counsel for the petitioner was directed to inform the respondents of the fact that this matter will be heard and disposed on the next date. Affidavit-of-service was to be filed by 3rd February 2022. Mr. Dave states that he has instructions to enter appearance on behalf of the petitioner, however appearance of the previous Advocate is shown on board. There are two Advocates on record for the petitioner, namely, Mr. S.J. Thakker and Ms. K.H. Rajani. Mr. Dave undertakes to obtain no objection endorsement from the previous Advocates within four weeks

from today. The respondents are absent. Mr. Dave states that notice has been served upon the respondents and he undertakes to file affidavit-of-service.

3. In any event, an ad-interim order has been continuing in this matter from 21st April 2017. In view thereof, I am of the view that this petition can be disposed by confirming the ad-interim order. Accordingly, I pass the following order :-

- (i) The ad-interim order granted on 4th April 2017, which has been continuing till date, shall continue to operate as interim order pending reference to arbitration.
- (ii) Affidavit-of-service on behalf of the petitioner to be filed in the registry on or before 11th February 2022.
- (iii) Registry is directed to accept affidavit-of-service subject to Mr. Dave's undertaking to comply with the office objections.
- (iv) Advocates on record for the petitioner, namely, Mr. S.J. Thakker and Ms. K.H. Rajani, are directed to ensure compliance with the aforesaid directions and within the time specified.
- (v) Prothonotary and Senior Master shall address e-mails to the Advocates on record for the petitioner, namely, Mr. S.J. Thakker and Ms. K.H. Rajani, informing them of this order and to ensure compliance.
- (vi) Arbitration Petition is disposed in the above terms.

(A.K. MENON, J.)