

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION PETITION NO.407 OF 2017

Vivek Mehta and Another ...Petitioner

vs.

KaRRs Designs and Developments and Others ...Respondents

Mr. Rohan Kadam a/w. Mr. S. Redkar, Kanan Soni i/b. Singh and Singh/Malhotra & Hegde, for the Petitioner.

Mr. Asim Tirmizi i/b. Veritas Legal, for the Respondents.

CORAM : N. J. JAMADAR, J.

DATE : MARCH 21, 2022

P.C.:

. This petition is filed under section 9 of the Arbitration and Conciliation Act, 1996 in the context of an arbitral dispute which allegedly arose out of Memorandum of Understanding dated 29th August, 2009, which contains an arbitration clause.

2. The learned counsel for the parties submit that by an order dated 28th February, 2022, in Arbitration Application No. 101 of 2016, between the parties, this Court has appointed a sole arbitrator to adjudicate upon claims and counter claims arising out of the very Arbitration Agreement which is the subject matter of this petition. The learned counsel submit that as the dispute is referred to arbitration and the sole arbitrator has been appointed, this petition can be conveniently disposed of by giving liberty to the

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petitioner to present an identical petition for interim relief under section 17 of the Arbitration and Conciliation Act, 1996 before the learned Arbitrator.

3. The aforesaid submission appears justifiable.

4. Hence, the petition stands disposed, with liberty to the petitioner to present an identical petition for interim relief before the learned Arbitrator.

5. The parties are at liberty to tender pleadings and documents filed in this petition, before the learned Arbitrator in the petition under section 17 of the Act, 1996.

6. It is hereby made clear that this Court has not entered into the merits of the petition and all contentions of all the parties are kept open for consideration before the learned Arbitrator.

(N. J. JAMADAR, J.)