

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

COMM ARBITRATION PETITION NO. 29 OF 2016

Atul Projects India Private Limited ...Petitioner
Versus
Ashadevi Rajendrakumar Gupta & anr. ...Respondents

Mr. Piyush Raheja, a/w Mr. Ashish Suryavanshi, Amit
Chougale, Ankur Kalal, i/b Markand Gandhi & Co., for
the Petitioner.
Mr.J.N. Shradhonkar for the Respondent No.1.
Mr.Dipesh Siroya for Respondent No.2.

CORAM: N. J. JAMADAR, J.
DATED : 4th APRIL, 2022

PC:-

1. Heard the learned Counsels for the parties.
2. Today, by an order passed in Comm. Arbitration Application No.18 of 2016, this Court has made appointment of the Arbitrator on behalf of respondent no.1 – the sole respondent in the said application.
3. In this petition under Section 9, on 6th May, 2016 this court has passed following order:

“1. The learned Advocate appearing for Respondent No.1 states that till date no third party rights are created in respect of the suit plot or the structures standing thereon. He further states that until further orders, the Respondent No.1 shall not sell, alienate, encumber, part with possession and/or create third party rights in respect of the suit plot

and/or the structures standing thereon and shall not allow any change of tenancies, without the permission of this Court. He also states that if any permission is given for warehousing for a period exceeding 90 days, prior permission of the Court shall be obtained. The statements are accepted. The Respondent No.2 is directed to deposit the original MOU dated 2nd November, 2010 with the Prothonotary and Senior Master within a period of two weeks from today.

2. Stand over to 13th June, 2016, subject to numbering.”

4. With the passing of the order in Arbitration Application No.18 of 2016, the process of constitution of the Arbitral Tribunal has commenced. In the circumstances, since the aforesaid order of interim measure is in operation since 6th May, 2016, it would be expedient in the interest of justice that this petition is converted into a petition under Section 17 of the Arbitration and Conciliation Act, 1996 and, the aforesaid statement made on behalf of respondent no.1 is also continued till the disposal of this petition by the Arbitral Tribunal.

5. Ordered accordingly.

[N. J. JAMADAR, J.]