

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO. 4 OF 2021

Rajesh Gaurishankar Sharma & Anr. ...Petitioners

vs.

Uma Construction & Ors. ...Respondents

Mr.Rohan Cama i/b. Sumit Kothari, for the Petitioners.

Ms.Naira Jejeebhoy, with Ms.Pooja Gera with Nitin Parkhe, for
Respondent No.2.

CORAM : G.S. KULKARNI, J.

DATE : AUGUST 18, 2022.

PC.:

1. This is a petition filed under Section 37 of the Arbitration and Conciliation Act, 1996 (for short '**the Act**'), whereby an order dated 5 August 2020 passed by the learned Sole Arbitrator allowing the respondents' application filed under Section 16 of the Act, is assailed.

2. After having heard learned Counsel for the parties for some time, learned Counsel for the respondents has taken a fair stand. On instructions she would agree that by consent the impugned order passed by the learned sole Arbitrator can be set aside with liberty to the respondents to file a fresh application under Section 16 which can be decided on its own merit.

3. Accordingly, the petition is disposed of by the following order:

ORDER

- (i) By consent of the parties, the impugned order dated 5 August 2020 passed by the learned Arbitrator is set aside with liberty to the respondents to file a fresh Section 16 application raising all contentions as may be permissible in law.
- (ii) If such an application is filed, learned Arbitrator would certainly adjudicate such application on its own merit and expeditiously.
- (iii) Needless to observe that all contentions of the parties on such application are expressly kept open.
- (iv) Disposed of in the above terms. No costs.

[G.S. KULKARNI, J.]