

Vidya Amin

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

COMMERCIAL ARBITRATION PETITION NO. 145 OF 2018

Kamar Infrastructure Pvt. Ltd. .. Petitioner
Vs.
DBM Geotechnics and Construction Pvt. Ltd. & Anr. .. Respondents

**WITH
CONTEMPT PETITION NO. 45 OF 2018
WITH
CONTEMPT PETITION NO. 73 OF 2017
IN
COMMERCIAL ARBITRATION PETITION NO. 145 OF 2018**

DBM Geotechnics and Construction Pvt. Ltd. .. Petitioner
Vs.
Kamar Infrastructure Pvt. Ltd.& Ors. .. Respondents

Mr. Ranjeev Carvalho i/b. Kevin Chettiar for the petitioner.

**CORAM : G.S. KULKARNI, J.
DATE : JUNE 29, 2022.**

P.C.:

1. In view of the proceedings before the National Company Law Tribunal and the stand taken by the petitioner in the said proceedings including the affidavit dated 23 February, 2022 which is placed on record in the present proceedings and a claim being filed before the Resolution Professional, in my opinion, the Commercial Arbitration Petition needs to be disposed of with liberty to the petitioner to re-agitate the issues if the need so arise.

2. Accordingly, the petition is disposed of with liberty to the petitioner to revive the present proceedings or to file a fresh application on the same cause of action as and when the circumstances so permit. All contentions of the parties are expressly kept open .

3. In view of disposal of Commercial Arbitration Petition, Contempt Petition(s) would not survive and the same are accordingly disposed of.

4. No costs.

[G.S. KULKARNI, J.]