

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

COMMERCIAL ARBITRATION PETITION NO.742 OF 2018

Mayur Kothari

.. Petitioner

Vs.

Firoz A. Nadiadwala

.. Respondent

Mr. Darshit Jain, with Mr. Varun Mamniya and Mr. Parth Mehta, for the Petitioner.
Mr. Mukesh Vashi, Sr. Advocate, with Ms. Manisha Desai, i/by M.P. Vashi and Associates, for the Respondent.

CORAM : A. K. MENON, J.

DATE : 23RD JUNE, 2022.

P.C. :

1. On 27th July 2018, a statement was made by learned Senior Advocate on behalf of the respondent, which reads as under :-

“3. The learned Senior Advocate appearing for the respondent, on instructions, states that the respondent shall not create any further rights / liabilities in respect of the bungalow “Barkat” at Gulmohar Road, Juhu, Mumbai.”

2. The aforesaid statement has been in operation since then. This is a petition under Section 9 of the Arbitration and Conciliation Act, 1996. Mr. Jain on behalf of the petitioner states that the arbitration has been invoked on 28th March 2018; however no application has been filed under Section 11 since, according to him, the agreement was impounded and is yet to be adjudicated.

3. In view of the order dated 27th July 2018, Mr. Vashi states that if a Section 11 application is filed within a period of two weeks from today, the aforesaid statement will continue to operate till disposal of the application under Section 11. Mr. Jain on behalf of the petitioner undertakes to file such an application on or before 7th July 2022.

4. If Section 11 application is filed on or before 7th July 2022 and a true copy thereof is served on the Advocate for the respondent, the statement made on behalf of the respondent in the order dated 27th July 2018, as reproduced above, shall continue to operate till disposal of the application under Section 11 and for a period of four weeks thereafter. If no such application is filed within stipulated time, respondent will be relieved of the statement made on 27th July 2018.

(A.K. MENON, J.)