

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL APPELLATE DIVISION
COMMERCIAL APPEAL NO. 146 OF 2017
IN
ARBITRATION PETITION NO. 549 OF 2013
WITH
NOTICE OF MOTION NO. 43 OF 2017
IN
COMMERCIAL APPEAL NO. 146 OF 2017
IN
ARBITRATION PETITION NO. 549 OF 2013
WITH
INTERIM APPLICATION NO. 1692 OF 2019
IN
COMMERCIAL APPEAL NO. 146 OF 2017
IN
ARBITRATION PETITION NO. 549 OF 2013**

Interocean Shipping (India) Pvt Ltd

...Appellant

Versus

Oil & Natural Gas Corporation Ltd

...Respondent

ARUN
RAMCHNDRA
SANKPAL

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**Mr Sunip Sen, with Javed Gaya , Shreya Parekh, Vidya Chaudhari &
Mona Malvade, i/b Chamber of Javed Gaya, for the Appellant.
Mr Pankaj Sawant, Senior Advocate, with Ali Abbas Delhiwala, JP**

Kapadia, O Mohandas & Maitri Yadav, i/b Little & Co.

**CORAM G.S. Patel &
 Gauri Godse, JJ.
DATED: 18th August 2022**

PC:-

1. In view of our decision in Commercial Appeal No. 35 of 2016, this Appeal is similarly dismissed for the same reasons. The impugned judgment in this case is of 9th June 2017.¹ The contracts' terms are identical, only the vessels are different. The same argument of *contra proferentem* was taken, and comprehensively rejected. The impugned order just happens to have been passed by another Single Judge of this Court in a separate set of challenge Petitions. The issues are the same.

2. Mr Sen fairly concedes that no other issues will survive for consideration in light of the view that we have taken in Commercial Appeal No.35 of 2016.

3. This Appeal is therefore also dismissed. No costs.

4. All pending Interim Applications are disposed of as infructuous.

(Gauri Godse, J)

(G. S. Patel, J)

¹ *ONGC Ltd v Interocean Shipping (India) Pvt Ltd*, 2017 SCC OnLine Bom 10032 : (2017) 5 Bom CR 7.