

Vidya Amin

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

**COMMERCIAL ARBITRATION PETITION NO. 17 OF 2020
WITH
IN THE MATTER OF CHAMBER ORDER (L) NO. 7975 OF 2022
IN
COMMERCIAL ARBITRATION PETITION NO. 17 OF 2020**

SSD Escatics Pvt. Ltd.

.. Petitioner

Vs.

Goregaon Pearl CHS Ltd.

.. Respondent

Mr. Rajiv Narula a/w. Mehek Chowdhary i/b. Jhangiani Narula & Associates for the petitioner.

Mr. Vinay Shingada and Lancelot Lewis i/b. Solicis Lex for the respondent.

CORAM : G.S. KULKARNI, J.

DATE : AUGUST 12, 2022.

P.C.:

1. Mr. Lewis appears and informs that he has instructions to represent the respondent. He states that NOC of the earlier advocate has not been issued.

2. However, as the short issue is involved and as the advocate has instructions to appear for respondent-Society and the Vakalatnama has also been issued, it would be appropriate that he be permitted to represent the respondent.

3. The order impugned in the present proceedings is an order dated 4 December, 2019 passed by the learned sole arbitrator on an application filed under section 17 of the Arbitration and Conciliation Act, 1996. By such order, the learned arbitrator has held that the reliefs

as prayed for at prayer clauses (a) and (b) of the application under section 17 are already deemed to have been granted under the order dated 17 September, 2018 which was earlier passed by the arbitral tribunal. It is an admitted position that no steps whatsoever have been taken during the pendency of the present proceedings to execute the said order. It is also informed that the arbitration has now progressed and final arguments are also concluded and award to be published by the learned sole arbitrator is awaited. In these circumstances and considering the nature of the order, in my opinion, it would be appropriate that the nature of reliefs as granted shall abide by the final award which shall be passed by the learned arbitrator on the arbitral proceedings. Accordingly, keeping all contentions of the parties expressly open on issues as arising in the present proceedings, the petition is disposed of.

4. Needless to observe that the parties shall be entitled to assert their respective contentions on any award as may be published by the learned sole arbitrator.

5. Disposed of. No costs.

6. Interim Application would not survive, it is accordingly disposed of.

7. Chamber Order would also not survive, it is accordingly disposed of.

[G.S. KULKARNI, J.]