

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

**SUMMON FOR JUDGMENT NO.130 OF 2018
WITH
NOTICE OF MOTION NO.1876 OF 2019
IN
COMMERCIAL SUMMARY SUIT NO.1045 OF 2018**

Pannalal Manicklal Trading Company Pvt. Ltd. ...Plaintiff

vs.

Liberty Tea Company (A.A. Group) and Ors. ...Defendants

Mr. Laxminarayan Shukla i/b. M/s. Legal Vision, for the Plaintiff
None for the Defendants.

CORAM : N. J. JAMADAR, J.

DATE : JULY 28, 2022

P.C.:

1. This Commercial Division Summary Suit is instituted for recovery of a sum of Rs. 2,31,19,576/- along with further interest on the sum of Rs. 1,77,42,695/- at the rate of 16% p.a., being the price of the tea sold and delivered by the plaintiff to the defendants.

2. The summary suit is instituted on the basis of the invoices raised by the plaintiff evidencing the sale and delivery of the goods.

3. The defendants have taken out this Notice of Motion for referring the dispute to arbitration in accordance with the arbitration clause contained in the said invoices.

4. The invoices, inter alia, contain the following clause:-

“If any dispute arises regarding the transaction/
goods sold under this quotation/ challan/ bill. The

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same shall have to be referred for decision to Hindustan Chamber of Commerce at Mumbai. For arbitration under the rules of the said chamber and the award made thereby shall be binding on the parties. The place of arbitration shall exclusively be Mumbai.”

5. In view of the aforesaid stipulation in the invoices, the learned counsel for the plaintiff does not propose to contest the prayer in the Notice of Motion and submits that the parties be referred to arbitration by the named Arbitrator. All the conditions envisaged by section 8 of the Arbitration and Conciliation Act, 1996 appear to have been made out. Hence, the Notice of Motion stands allowed.

6. The parties are referred to the arbitration by the named Arbitrator.

7. The parties shall appear before the Arbitrator on 29th August, 2022.

8. In view of the disposal of Notice of Motion, the suit stands disposed.

9. The plaintiff is entitled to refund of Court fees in accordance with the rules.

(N. J. JAMADAR, J.)