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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
COMMERCIAL ARBITRATION APPEAL NO.1 OF 2023**

Jaykumar Jivanlal Munot and Anr.Appellants

Vs.

Santosh Viswanath Patil and Anr.Respondents

Dr. Abhinav Chandrachud a/w. Mr. Nitin Gaware and Mr. Sahil Choudhari for appellants.

Mr. Jaykumar Munot, appellant no.1 and Mr. Dinesh Munot, appellant no.2 present in person.

Mr. Alankar Kirpekar a/w. Mr. Vivekanand V. Krishnan, Mr. Shekhar Bhagat, Mr. Ayush Tiwari and Ms. Chitali Bhogle i/b. Mr. Vivekanand V. Krishnan for respondent no.1.

Mr. Santosh V. Patil, respondent no.1 present in person.

**CORAM : K. R. SHRIRAM &
RAJESH S. PATIL, JJ.
DATED : 4th MAY 2023**

P.C. :

1 After the appeal was heard for some time, by consent, the following order is passed :

(a) the impugned order dated 8th February 2023 passed by the District Judge – 2, Nashik is quashed and set aside;

(b) respondent no.1, who was petitioner in Section 9 petition, is at liberty to apply to the sole Arbitrator appointed - Mr. Justice S.K. Shinde (retired) for an order under Section 17 of the Arbitration and Conciliation Act, 1996 and that order could be similar to the reliefs sought in Section 9 petition;

(c) the learned Arbitrator is requested to list the application for hearing and dispose the same at the earliest and may also consider on its own merits whether any ad-interim relief has to be granted. We do not express any opinion on that;

(d) until 15th June 2023 appellants shall not dispose any of the assets of the partnership firm – M/s. Huge Technocrat.

2 In view of the above, appeal stands disposed. Interim application, if any, also stands disposed.

3 All rights and contentions of the parties are kept open.

4 We clarify that we have not made any observation on the merits of the matter.

5 Both counsels assure the Court that their respective clients will fully co-operate with the learned Arbitrator for expeditious disposal of not only Section 17 application but also the entire arbitral proceedings.

(RAJESH S. PATIL, J.)

(K. R. SHRIRAM, J.)