

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17285 OF 2024.

Karan Kamalakar Sonavane

...Petitioner.

Versus

Sunil Vishwasrao Mohite

...Respondent.

Mr. Mandar Soman i/b Mr. Ishaan Kapse for Petitioner.

Coram : Sharmila U. Deshmukh, J.

Date : December 2, 2024.

P. C. :

1. Heard. The challenge in the present petition is to the order passed by the learned Arbitrator under Section 16 of the Arbitration and Conciliation Act, 1996 [for short, "**the Arbitration Act**"] ruling on his own jurisdiction.

2. Learned counsel appearing for the Petitioner submits that though Court would not ordinarily interfere with Articles 226/227 of the Constitution of India in entertaining petition against order passed under Section 16 of the Arbitration Act, the Division Bench of this Court in the case of ***Hindustan Petroleum Corporation Limited vs. Om Construction¹***, has carved out the exceptions where the order could be challenged. He submits that one of the exceptions is the lack of inherent jurisdiction and in the present case, the claim in respect of

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recovery of licensed premises which falls solely within the jurisdiction of the Tenancy Court and therefore, the order passed by the Arbitrator ruling on his jurisdiction is vitiated.

3. Issue Notice to the Respondent returnable on **13th January, 2025**. In addition to Court notice, Advocate for the Petitioner to serve the Respondents by private notice by all possible modes of service and file Affidavit of Service before the next date.

[Sharmila U. Deshmukh, J.]