

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

ARBITRATION PETITION NO.119 OF 2024

Manmohan Kapani

... Petitioner

V/s.

Kapani Resorts Pvt. Ltd. & Ors.

... Respondents

**WITH
INTERIM APPLICATION (L) NO.20487 OF 2023
IN
ARBITRATION PETITION NO.119 OF 2024
WITH
ARBITRATION APPLICATION NO.169 OF 2024**

Mr. Rohan Rajadhyaksha, Ms. Pallavi Singh i/by Shlok Chandra for the
Petitioner.

Mr. Lohit Bimal (through VC), Raghav Bimal, Kevin Khana, Suhit Jain i/by
Sheetal Raghani for the Respondents.

CORAM : ARIF S. DOCTOR, J.

DATE : 3RD SEPTEMBER 2024

P.C. :

1. Mr. Rajadhyaksha, Learned Counsel appearing on behalf of the
Petitioner seeks extension of time to carry out amendments. Hence, time to
carry out the amendments is extended upto tomorrow.

2. Today, Learned Counsel appearing on behalf of the Respondents tenders written submissions.

3. The matter was kept today for filing of the written submissions. It was made clear to Learned Counsel for the parties that the written submissions can only reflect what was argued on the earlier date.

4. Mr. Rajadhyaksha, Learned Counsel appearing on behalf of the Petitioner points out that some contentions have been taken in the written submissions filed by the Respondents which were never argued on that date.

5. Learned Counsel appearing on behalf of the Respondents does not dispute this position, however he submits that he could always be permitted to advance further arguments. I find that this contention is untenable, since in fact he chose to advance further arguments on something which was not argued and for which the proper course of action should have taken as to the leave of the court. This is not done in the present case.

6. Mr. Rajadhyaksha, Learned Counsel for the Petitioner however fairly submits that if the Respondents chose to advance these arguments as

stated in Clauses 6 and 7 of the written submissions, he be granted an opportunity to meet the same.

7. Stand over to 9th September 2024 at 2.30 p.m.

(ARIF S. DOCTOR, J.)