

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION PETITION NO. 316 OF 2024

Ghanshyam Rameshbhai Upadhyay

...Petitioner

Vs.

Sakshi Saurabh Dant – Jain

...Respondent

Mr. Darshit Jain i/by Divya Jain for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 9TH OCTOBER, 2024

P.C.:-

1. The captioned Petition is filed under Section 9 of the Arbitration and Conciliation Act, 1996.

2. Learned Counsel for the Petitioner submits that an Arbitrator has already been appointed pursuant to an order of this Court dated 9th September, 2024. He submits that the incomplete construction which was partially developed by the Respondent is in the possession of certain third parties and it is therefore, the present Section 9 Petition has been filed. However, he submits that today the Petitioner has filed a Section 17 application which is pending before the Tribunal for the very same purpose. It is thus he seeks leave to withdraw the present Section 9 Petition.

3. The Petition is thus dismissed as withdrawn. However, it is made clear that in the event the Tribunal is unable to grant effective relief, then the Petitioner shall be at liberty to file appropriate proceedings before this Court.

(ARIF S. DOCTOR, J.)