

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3934 OF 2024

Sarita Matadin Kejriwal Wd/O

Late Matadin S Kejriwal and Ors

... Petitioners

Versus

Meena Devi Narayan Goenka and Anr

... Respondents

Mr. Akash Rebello a/w *Mr. Sushant Pandey i/b Ms. Tejaswita Somandy for the Petitioners.*

None for the Respondents.

CORAM : SANDEEP V. MARNE, J.

DATE : 6 JANUARY 2025.

P.C. :

1) Heard Mr. Rebello, the learned counsel appearing for the Petitioners.

2) None appears on behalf of Respondent No.1 though Ms. Esha Singh Bhadoria has filed her appearance on behalf of Respondent No.1.

3) Mr. Rebello would point out that the application filed under provisions of Section 16 of the Arbitration and Conciliation Act, 1996 was heard by one Mr. Surinder Jha, Secretary of Hindustan Chamber of Commerce. However, the order on the said application is later shown to have been passed by the Tribunal

consisting of three members and Mr. Surinder Jha, is not a member of the arbitral tribunal.

4) Secondly Mr. Rebello would submit that under Rule 2 of the Rules of Arbitration formulated by Hindustan Chamber of Commerce, only the disputes which arise between the members of the Chamber or with non-members can be adjudicated under the arbitration proceedings by Hindustan Chamber of Commerce. That as on the date of the concerned transaction, neither the claimant nor the father of the Petitioners were members of Hindustan Chamber of Commerce. That the claimant obtained membership of Hindustan Chamber of Commerce few days before initiation of arbitration proceedings. He would therefore, submit that there is inherent lack of jurisdiction with Hindustan Chamber of Commerce to conduct the arbitration proceedings.

5) In that view of the matter, the arbitration proceedings between the parties before Hindustan Chamber of Commerce shall remain suspended till the next date of hearing.

6) List the Petition for further consideration on **3 March 2025**.

[SANDEEP V. MARNE, J.]