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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1862 OF 2025

IN

ARBITRATION PETITION NO. 84 OF 2024

Indian Oil Corporation Limited
& Anr.

...Applicants

In the matter between :

M/s. Krishna Avdhut Petroleum
Versus

...Petitioner

Indian Oil Corporation Limited
& Ors.

...Respondents

WITH

INTERIM APPLICATION NO. 601 OF 2025

IN

ARBITRATION PETITION NO. 84 OF 2024

M/s. Krishna Avdhut Petroleum
Versus

...Applicant/Petitioner

Indian Oil Corporation Limited
& Ors.

...Respondents

AND

ARBITRATION PETITION NO. 84 OF 2024

M/s. Krishna Avdhut Petroleum
Versus

...Applicant/Petitioner

Indian Oil Corporation Limited
& Ors.

...Respondents

Mr. N.V. Walawalkar, Senior Advocate a/w. *Suresh M. Sabrad, Amey C. Sawant, Pratik S. Sabrad, Gracy Saldana, Neha Zanje*, for Applicant in IA-1862-2025 and for Respondent in IA-601-2025.

Mr. Chirag Mody a/w. *Sunil Gangan and Swapnil Shikhare i/b RMG Law Associates*, for Respondent and for Applicant in IA-601-2025.

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : February 17, 2025

P. C.

1. The captioned Interim Applications are cross applications, one, for extending the interlocutory measure under Section 9 of the Arbitration and Conciliation Act, 1996 (“*the Act*”) passed on an earlier occasion and the other, for vacating the same.
2. In view of the order already passed by me in Arbitration Petition No. 49 of 2025 appointing a Learned Arbitral Tribunal, it would only be appropriate that the Section 9 Petition namely, Arbitration Petition No. 84 of 2024 be dealt with by the Learned Arbitral Tribunal at the earliest, treating it as an Application under Section 17 of the Act.
3. Consequently, both the captioned Interim Applications would stand *disposed of*, since the Section 9 Petition shall be considered by the arbitral tribunal as an Application under Section 17 of the Act.
4. The Learned Counsel for the Respondents makes a statement, on instructions, that the Respondents shall continue with the supply of petroleum products to the Petitioner for a period of four weeks from today.

5. Therefore, the Section 9 Petition filed by the Petitioner is converted into an Application under Section 17 of the Act which will be decided on its own merits by the Learned Arbitrator. The Learned Arbitrator is requested to decide the Section 17 Application within a period of four weeks from the date of the first appearance of the parties before the Learned Arbitral Tribunal.

6. Parties shall appear before the Learned Arbitral Tribunal on a date convenient to the Arbitral Tribunal, no later than February 28, 2025. Parties shall approach the Learned Arbitrator for a convenient date within a period of one week from the date on which this order is uploaded on the website of the Court.

7. All contentions of both the parties are expressly kept open. Liberty to the parties to apply to the Learned Arbitrator for any further and other relief.

8. Arbitration Petition No. 84 of 2024 stands ***finally disposed of*** in the aforesaid terms.

9. All actions required to be taken pursuant to this order, shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]

Page 3 of 3
February 17, 2025