

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION APPLICATION NO. 236 OF 2024
WITH
COMMERCIAL ARBITRATION PETITION NO. 1073 OF 2019

M/s. C.B. Developers ...Applicant

Versus

Ketan Amrutlal Jobalia ...Respondent

WITH
INTERIM APPLICATION (L) NO. 23554 OF 2023
IN
COMMERCIAL ARBITRATION PETITION NO. 1073 OF 2019

Mr. Mukesh Pandey, for the Applicant in IA/23554/2023.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : FEBRUARY 28, 2025

PC :

1. After obtaining protective reliefs as an interim measure in May 2019 under Section 9 of the Arbitration and Conciliation Act, 1996 (“***the Act***”), I am informed that the arbitration has not even commenced till date. It is in these circumstances that Interim Application (L) No. 23554 of 2023 has been moved.

2. The jurisdiction under Section 9 of the Act is meant to afford temporary protection pending arbitration. Since six years have gone by without arbitration having commenced this would call for a review of the relevance of the reliefs granted and operating till date.

3. In these circumstances, the Petitioners are put to notice that they would need to apprise the Court as to the status of the arbitration for which they obtained interim protection.

4. The Applicant in Interim Application (L) No. 23554 of 2023 shall issue notice to the Respondent in that Application, returnable on March 20, 2025. The Applicant is granted liberty to effect private service by all permissible modes including by electronic means, and to file a service affidavit, with tangible evidence of service, on or before the next date.

5. List all these matters on ***March 20, 2025*** on the ***Supplementary Board***.

6. 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.]