

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

ARBITRATION APPLICATION NO. 118 OF 2025
(U/s. 11 of the A & C Act)

WITH

ARBITRATION PETITION NO. 46 OF 2025

WITH

ARBITRATION PETITION (L) NO. 10473 OF 2025
(U/s. 9 of the A & C Act)

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Shashikant Chimanlal Makwana & Ors. ... Applicants/Petitioners
Vs.
Pramod Karunakar Shetty & Anr. ... Respondents

Mr. Mayur Khandeparkar, for Petitioners/Applicants.

Ms. Sneha Phene a/w Pratik Divkar i/b Rajni Divkar, for Respondents.

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : June 19, 2025

Order :

1. Learned Counsel for the Petitioners has tendered a letter dated March 25, 2025 from the Respondent No. 1 to the Excise Department with the subject of the letter being temporary closure of business under the liquor license held in the name of the Respondent No. 1. It is seen from the said letter that the Respondent No. 1 claims to not have adequate money to pay the renewal fees, whereas, in fact, the renewal fees has already been paid by the Limited Liability Partnership in which the Respondent is a partner, to the Excise Department.

2. The Petitioner shall file an affidavit setting out on oath the intervention made by the Respondent No. 1 with the Excise Department, and how this is violative of the protective reliefs already granted to the Petitioner. The Petitioner undertakes to serve such affidavit on Respondent No. 1 before close of business tomorrow. Respondent No. 1 shall file a reply to such affidavit by June 26,2025.

3. On the next occasion, the Section 11 Application filed under the Arbitration and Conciliation Act, 1996 (“*the Act*”) shall also be taken up when a *pro-tem* arrangement may be considered under the Section 9 Petition.

4. It is also claimed by Learned Counsel for the Respondent No. 1 that till date, the books of accounts and the update on the finances of the LLP have not been provided to the Respondents. Even that would need to be stated on oath in the same affidavit. Let such affidavit be filed no later than June 25, 2025.

5. It is expected the parties would inform the Court on the next date, the identity of the arbitrator that they would proceed before, because ongoing actions of the parties cannot continue to be monitored by this Court under Section 9 of the Act and consideration of such facets must move to the equally-empowered Arbitral Tribunal under Section 17 of the Act.

6. List on *June 26, 2025*.
7. 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.]