

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION PETITION (L) NO. 15641 OF 2025

Nk Corporation Sole Proprietary
Firm

...Petitioner

V/s.

Municipal Commissioner Municipal
Corporation of Greater Mumbai

...Respondent

Mr. Jehaan Mehta (Through VC) with *Mr. Haaris Koradia i/b Sujit Lahoti & Associates, for the Petitioner.*

Ms. P.H. Kantharia with *Ms. Pooja Yadav, for MCGM, for the Respondent*

CORAM: SANDEEP V. MARNE, J.

DATED: 25 FEBRUARY 2026.

P.C.:

1) This is an Application filed under Section 9 of the Arbitration and Conciliation Act (**the Arbitration Act**) seeking interim measures before the commencement of the Arbitral proceedings.

2) As hearing of the Petition progressed, the learned counsel appearing for the Petitioner brings to the notice of the Court that an Arbitrator has already been appointed by this Court by order dated 11 December 2025. He prays for leave of Court to convert the present

Petition into Application under Section 17 of the Arbitration Act to be decided by the Arbitrator.

3) Since the Arbitral Tribunal is already constituted, it would be appropriate to relegate the Petitioner to a remedy under Section 17 of the Arbitration Act to be decided by the Arbitrator.

4) Accordingly, the Petition is converted into Application under Section 17 of the Arbitration Act to be decided by the Arbitral Tribunal on its own merits.

5) The learned counsel appearing for the Petitioner submits that since the Municipal Corporation is likely to float a fresh tender in March 2026 and therefore, the learned Arbitrator be requested to decide the Application under Section 17 of the Arbitration Act in an expeditious manner. It would be open for the Petitioner to raise such request before the Arbitral Tribunal.

6) All rights and contentions of parties are expressly kept open to be agitated before the Arbitrator.

7) With the above directions, the Petition is **disposed of**.

[SANDEEP V. MARNE, J.]

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