

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

PETN, UNDER ARBITRATION ACT. No 32 of 1999

For Approval and Signature:

Hon'ble ACTG.CHIEF JUSTICE MR. C.K.THAKKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

MEHTA INTEGRATED FINANCE LTD.

Versus

THIRU MARKTING SERVICES

Appearance:

MR UNMESH D SHUKLA for Petitioner

MR HARSHAD J SHAH for Respondent No. 1

CORAM : ACTG.CHIEF JUSTICE MR. C.K.THAKKAR

Date of decision: 29/10/1999

ORAL JUDGEMENT

This is an application filed under Section 11 of the Arbitration and Conciliation Act, 1996. On presentation of the application, notice was issued to the respondents and they were duly served.

The parties have recommended the following names as their

arbitrators:

Mr. J A Adeshara, recommended by the petitioners

Mr. Rajesh Kapasi, recommended by the respondents.

I accordingly appoint M/s J.A. Adeshara and Rajesh Kapasi as arbitrators . They may enter upon arbitration. They will give an award as expeditiously as possible. I also make it clear that they may give reasons in support of the award. Petition is disposed of on the above terms.

It was contended by the learned counsel for the respondents that in the light of averments and contentions raised in the affidavit in reply, the proceedings could not have been initiated before the arbitrator. In my opinion, all questions on merits including the one raised before me can be raised before the Arbitrators . All questions are ,therefore, left open. Petition is disposed of . No costs.

parekh