

MODERN DENIM LIMITED V. KIRTI BUILDERS ENGINEERS & CONTRACTORS

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 763 of 2012

MODERN DENIM LIMITED

Versus

KIRTI BUILDERS ENGINEERS & CONTRACTOR

Appearance:

MS RENU SINGH FOR MR Y.N. RAVANI(718) for the Appellant(s) No.1

MR B.S. PATEL(602), SR. ADVOCATE with MR CHIRAG B PATEL(3679) for the
Defendant(s) No.1

CORAM: **HONOURABLE DR. JUSTICE VINEET KOTHARI**

and

HONOURABLE MS. JUSTICE GITA GOPI

Date: 26/02/2021

ORAL ORDER

(PER: HONOURABLE DR. JUSTICE VINEET KOTHARI)

After hearing the learned Senior Counsel for the Respondent Mr. B.S. Patel for some time, we find that the Arbitration Agreement is on record and has been discussed by the trial Court concerned, particularly, Clauses – 5 and 15 of the Arbitration Agreement, while rejecting the Application under Section 34 of the Act. The foundation of the present First Appeal under Section 37 of the Act that there was no Arbitration Agreement between the parties, does not seem to be, *prima facie*, available to the Appellant. Still, learned counsel for the Appellant, Ms. Renu Singh, prayed for some time to study the matter and make submissions on the next date of hearing.

Put up on **05.03.2021**. No further adjournment shall be granted.

(DR. VINEET KOTHARI, J)

(GITA GOPI, J)

PRAVINKARUNAN