

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 129 OF 2015

MARUTIRAO DEORAM SHELKE AND OTHERS
VERSUS
ABHUDAYA CO OPERATIVE BANK LTD, MUMBAI AND ANOTHER

...
Advocate for Petitioners : Shri V.D.Hon, Sr. Adv. i/b Shri A.D.Shinde

...
CORAM : RAVINDRA V. GHUGE, J.
Dated: January 12, 2015

...

PER COURT :-

1. Heard.

2. The petitioners are challenging the judgment delivered by the learned Principal District Judge, Ahmednagar dated 17.12.2013 by which the Arbitration Application filed by the petitioners has been rejected. Similarly, the petitioners are challenging the issuance of notice, Exhibit 11, dated 11.8.2014, issued by the learned District Judge-IV, Ahmednagar in Arbitration Execution No.142 of 2014.

3. Section 84(1) under Chapter IX of Multi State Cooperative Societies Act, 2002 ("the Act of 2002") enables the petitioners to have their dispute referred to Arbitration. Section 84(5) of the Act of 2002 enshrines that the provisions of the Arbitration and Conciliation Act, 1996 ("the Act of 1996") shall apply to all arbitrations under the said Act as if the proceedings for Arbitration were referred for settlement or decision under the provisions of the Act of 1996. Section 34 of the Act of 1996 enables an aggrieved party to file an application for setting aside an arbitral award. This has been done before the learned Principal District Judge, Ahmednagar, in Arbitration Application No.7 of 2011, which is dismissed by its judgment dated 17.12.2013. In this factual matrix, the judgment under Section 34 is appealable under Section 37 of the Act of 1996.

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

2
WRIT PETITION NO. 129 OF 2015

4. Shri Hon, learned Sr. Advocate submits, on instructions that the petitioners desire to withdraw this Writ Petition so as to be able to file a detailed reply raising all contentions in pursuance to the notice dated 11.8.2014 issued by the learned District Judge IV, Ahmednagar in Arbitration Execution No.142 of 2014.

5. As such, this petition is being dismissed as withdrawn. Since I have not dealt with the merits of the matter, by keeping all points open, the petitioners are at liberty to respond to the show cause notice dated 11.8.2014, issued by the learned District Judge IV, Ahmednagar in Arbitration Execution No.142 of 2014.

(RAVINDRA V. GHUGE, J.)

...