

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 682 OF 2015
IN
WRIT PETITION NO.8272 OF 2011

M/s. Antony Waste Handling Cell
Private Limited and Another. .. Applicants

In the matter of :

M/s. Antony Waste Handling Cell
Private Limited and Another. .. Petitioners

Vs
Bhiwandi-Nizampur City Municipal
Corporation and Others. .. Respondents

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Shri A.A. Kumbhakoni, Senior Advocate along with Shri Shardul Singh
i/by Shri Vaibhav R. Gaikwad for the Applicants.
Shri N.R. Bubna for Respondent Nos.1 and 2.
Shri V.S. Gokhale, AGP for Respondent No.3.

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CORAM : A.S. OKA & C.V. BHADANG, JJ
DATED : 7TH MAY 2015

PC.

. Heard learned counsel appearing for the Applicants and the learned counsel appearing for the First and Second Respondents. We have also heard the learned AGP for the Third Respondent. The learned counsel appearing for the First and Second Respondents has placed on record a letter dated 2nd May 2015 addressed to him by the Commissioner of the First Respondent Bhiwandi-Nizampur City Municipal Corporation. The said letter records the consent of the First and Second Respondents to appoint a retired Judge of this Court as the sole Arbitrator by modifying the earlier order. The parties have left the

appointment of the appropriate retired Judge of this Court as the sole Arbitrator to this Court.

2. Accordingly, we dispose of the Application by passing the following order:

ORDER :

- (a) The order dated 22nd July 2014 passed in the main Writ Petition is modified by directing that the dispute between the Petitioners in the Writ Petition and the First and Second Respondents therein shall be referred to the sole Arbitration of Shri Justice A.P. Deshpande, a retired Judge of this Court.
- (b) To enable the Petitioners to move the learned Arbitrator, the ad-interim relief granted in the main Writ Petition on 10th October 2011 as well as 16th November 2011 is extended by a period of eight weeks from today;
- (c) All concerned including the learned Arbitrator to act upon an authenticated copy of this order;
- (d) The Civil Application is disposed of on above terms.

(C.V. BHADANG, J)

(A.S. OKA, J)