

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

ARBITRATION APPEAL NO. 27 OF 2013

The Nashik Municipal Corporation, Nashik & Anr.

.. Appellants
(Orig. Respondents)

Vs.

Leaf Biotech Pvt. Ltd.

.. Respondent
(Orig. Petitioner)

Mr. M.L. Patil for the Appellants.

Mr. Dilip Nanaklall Bhamawat, Managing Director of the Company is present.

CORAM : A.A. SAYED, J.

DATED : 30 APRIL 2015

P.C.

1 Pursuant to the notice being issued to the Respondent as directed by the Court, the Managing Director of the Respondent Mr. Dilip Nanaklall Bhamawat, is present in Court. He has produced a copy of his Pan Card which is taken on record. Mr. Bhamawat admits that the Appellant-Corporation is now operating the plant. He however states that arbitration proceedings between the parties are pending.

2 In view of the admitted position, the impugned order dated 14 January 2008 restraining the Appellant-Corporation from operating the plant is required to be set aside and accordingly set aside.

3 It is clarified that the arbitral proceedings would be decided independently on its own merits and without being influenced by this order.

4 The Appeal is allowed in the aforesaid terms. All contentions are kept open.

(A.A. SAYED, J.)