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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7499 OF 2014**

M/s. Mega Enterprises

... Petitioner

Vs.

The State of Maharashtra and Anr.

... Respondents

Mr. A.Y. Sakhare, Senior Advocate i/by Mr. Jitendra M. Patil, for the Petitioner.

Mr. V.P. Malvankar, AGP, 'A' Panel, for Respondent No.1.

Mr. A.D. Magdum i/by Mr. Shriniwas S. Patwardhan, for Respondent No.2.

**CORAM : A.S. OKA &
REVATI MOHITE DERE, JJ.**

DATE : 28th JULY, 2015

P.C.

. Heard the learned Senior Counsel appearing for the Petitioner and the learned counsel appearing for the second Respondent. The case of the second Respondent is that the contract dated 4th March, 2014 has been terminated. Clause 24 of the said contract provides for a reference of disputes to the Commissioner of the Municipal Corporation as AN Arbitrator. Even further remedies are provided under clause 24.

2. The dispute raised in this Petition is purely a contractual dispute. In view of clause 24 of the Contract, the Petitioner will have to adopt the remedy provided therein. In fact, in paragraph 10 of the affidavit of Shri Raju Anandrao Khairnar, the in-charge Octroi Superintendent, specific reliance has been placed on clause 24.

3. Hence, we dispose of the Petition by keeping the remedy open.

4. We direct the second Respondent to refer the dispute to the Commissioner of the said Municipal Corporation in terms of clause 24 of the agreement in question.

(REVATI MOHITE DERE, J)

(A.S. OKA, J)