

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12074 OF 2013**

Maharashtra Tourism Development corporation Ltd.	..Petitioner
Vs.	
Vinod Kishan Nenvani	..Respondent

Mr. S. P Bharti for the Petitioner
Mr. Girish Paryani for the Respondent

CORAM : R. M. SAVANT, J.
DATE : 19th AUGUST, 2015

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 14-10-2013 passed by the Learned 2nd Joint Civil Judge Junior Division, Alibag, by which order, the application Exhibit 16 filed by the Petitioner/original Defendant invoking Section 8 of the Arbitration and Conciliation Act for referring the parties to arbitration, came to be rejected.

2 The agreement in question is dated 29-12-2005 and the clause on which the reliance is placed on the application is founded reads thus:

“In the event of any dispute, difference or question arising out of or in respect of this Agreement the same may be referred to the MTDC and its decision shall be final and binding on both the parties.”

3 The Trial Court has rejected the application Exhibit 16 on the

ground that since the agreement has been terminated, the arbitration clause would not operate.

4 In my view, though the said ground is not sustainable, however the order can be sustained on the ground that the aforementioned clause cannot be said to be an arbitration clause having regard to the well settled position in law as enunciated by the Apex Court from time to time in respect of similar clauses under which the disputes between the parties are referred to the in house adjudication and wherein the decision of the officers of the public bodies are held to be final. In my view, the impugned order can be sustained on the said ground. Hence there is no merit in the challenge to the impugned order, the above Writ Petition is accordingly dismissed.

5 However, since the Petitioner has raised an issue as regard the territorial jurisdiction of the Court at Alibag to try and decide the Suit expeditiously. The Trial Court is directed to decide the said application expeditiously and latest by 31-10-2015.

[R.M.SAVANT, J]