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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (L) No. 52 OF 2014
IN
NOTICE OF MOTION No. 1698 OF 2012
IN
SUIT No. 1885 OF 2011
WITH
NOTICE OF MOTION (L) No. 205 OF 2014
AND
APPEAL (L) No. 53 OF 2014
IN
NOTICE OF MOTION No. 1697 OF 2012
IN
SUMMARY SUIT No. 1924 OF 2011
WITH
NOTICE OF MOTION (L) No. 206 OF 2014

Mausumi Overseas Pvt. Ltd. & Ors. ... Appellants
Vs.
The State Trading Corporation
of India & Ors. ... Respondents

Mr. A. H. Kanojia a/w Pukit Sharma i/b P. N. Patwardhan, for the
Appellants.

Ms. Suvedita I. Shah, for Respondent No. 1..

CORAM : V. M. KANADE, &
Dr. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : OCTOBER 7, 2015

PC.

1. In view of the Full Bench judgment (dated 27.11.2014)

of this Court in the case of ***Conros Steels Pvt. Ltd., Mumbai, Appellants Vs. Lu Qin (Hong Kong) Co. Ltd., Hong Kong & Ors., Respondents [2015(1) Mh. L.J. 434]***, appeal against the order of rejection of motion taken out under Section 8 of the Arbitration & Conciliation Act, 1996 is not maintainable. In the said case, Full Bench of this Court held that an appeal against an order passed in an application under Section 8 of the Arbitration & Conciliation Act, 1996 is not maintainable under clause 15 of the Letters Patent being barred by the provisions of Section 37 of the said Act. Reserving the right of the Appellants to challenge the same before the Apex Court, both appeals are disposed of. All contentions raised by the parties in both the appeals are kept open.

2. In view of disposal of the appeals, Notice of Motion (L) Nos. 205 of 2014 and 206 of 2014, taken out in the corresponding appeals do not survive and are accordingly disposed of.

Sd/-

[Dr. SHALINI PHANSALKAR-JOSHI, J.]

Sd/-

[V. M. KANADE, J.]

Vinayak Halemth