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

ARBITRATION PETITION (LODGING) NO.1318 OF 2015

M/s.Chill Freeze Services	...Petitioner
V/s.	
Maharashtra Agro – Industries	
Development Corporation Limited	...Respondent

Ms.Rasida S. Ainapure i/b Judicature Law Associates for the
Petitioner.

Mr.M.P.S. Rao, Senior Counsel with Ms.Merlyn Monteiro for the
Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 13TH JULY, 2015.

P.C. :-

1. By this petition filed under section 9 of the Arbitration & Conciliation Act, 1996, the petitioner seeks an order directing the respondent to re-call / withdraw the letter dated 26th February, 2015 written by the respondent to the Maharashtra Pollution Control Board, seeks a direction against the respondent to grant NOC for upgrade of the effluent treatment plant as required by the Maharashtra Pollution Control Board vide their interim directions dated 9th February, 2015 and other reliefs.

3. A perusal of the order dated 25th February, 2015 passed by

S.J. Kathawalla, J. read with order dated 2nd March, 2015 passed in Arbitration Petition (Lodging) No.161 of 2015 clearly indicates that the petitioner was allowed to carry on the business strictly in accordance with the license issued to it by appropriate authorities. It is not in dispute that prior to the date of the said order, passed by this Court, the license issued in favour of the petitioner for carrying on business had already expired.

4. Learned counsel for the petitioner invited my attention to the letters both dated 26th February, 2015 addressed by the respondent to the Regional Director of the Maharashtra Pollution Control Board and to the Food Safety & Standards Authority of India, alleging various breaches on the part of the petitioner and seeking various documents. By the said letters, the respondent protested against any permission being granted to the petitioner by ignoring violation of pollution norms. She submits that the application filed by the petitioner for renewal of the license is pending before the authority and in view of such letters both dated 26th February, 2015 addressed by the respondent, the authority is not renewing the license. She submits that the petitioner requires the respondent to withdraw the said letters both dated 26th February, 2015 and also seeks an order and direction against the respondent to grant NOC for upgrade of the effluent treatment plant as required, as per the norms suggested by

the Maharashtra Pollution Control Board.

5. It is not in dispute that the respondent has already terminated the agreement entered into between the petitioner and the respondent much prior to the date of the *ad-interim* orders passed by this Court referred to aforesaid. In these circumstances, the respondent cannot be directed to withdraw its letters both dated 26th February, 2015 addressed to the Maharashtra Pollution Control Board and also to the Food Safety & Standards Authority of India and to issue any NOC in favour of the petitioner to enable the petitioner to apply for upgrade of the effluent treatment plant. In my view, the orders passed by S.J. Kathawalla, J. on 25th February, 2015 and 2nd March, 2015 are clear. Termination of the contract is not stayed. Since the license granted in favour of the petitioner has expired prior to the date of the said order, the petitioner cannot seek any interim reliefs as prayed in this petition.

6. The arbitration petition is accordingly dismissed. No order as to costs.

(R.D. DHANUKA, J.)