

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,**  
**NAGPUR BENCH, AT NAGPUR.**

**WRIT PETITION NO.3198 OF 2014**

(M/s. Omanand Industries, Nagpur and another ..vs.. The Secretary to the Government of India, New  
Delhi and others)

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

**CORAM : Z.A. HAQ, J.**

**DATED : 21-10-2015**

Heard Shri S.P. Bhandarkar, learned Advocate for the petitioners, Smt. A.R. Taiwade, learned Assistant Government Pleader for the respondent No.2 and Shri A.A. Kathane, learned Advocate for the respondent No.3.

The petitioners have prayed for modification of the award passed by the Additional Commissioner, Nagpur Division, Nagpur on 06-09-2013. It is undisputed that the award passed by the Additional Commissioner was challenged in appeal under Section 34 of the Arbitration and Conciliation Act, 1996 and by the judgment dated 28-08-2015, the appeal has been allowed and the award passed by the Additional Commissioner on 06-09-2013 has been set aside. Shri A.A. Kathane, learned Advocate for the respondent No.3 submits that in view of these events, the grievance made by the petitioners does not survive.

Shri S.P. Bhandarkar, learned Advocate submits

that the petitioners intend to challenge the judgment passed by the learned Principal, District Judge in appeal under Section 37 of the Arbitration and Conciliation Act, 1996 and if the appeal is allowed, then the petitioners perhaps may be required to come out with the grievance as made in this writ petition again. It is requested that the petition may be kept pending to enable the petitioners to file appeal under Section 37 of the Arbitration and Conciliation Act, 1996.

Considering the facts of the case, in my view, the grievance of the petitioners cannot be entertained at this stage. The petition is disposed accordingly with liberty to the petitioners to raise the grievance in appropriate proceedings, if advised. In the circumstances, the parties to bear their own costs.

**JUDGE**

*pma*