

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

WRIT PETITION NO. 6795 /2014

(M/s K B Constructions Compnay Nagpur vs. Union of India and others)

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

Court's or Judge's order

Mr. A. R.Wagh, Adv. for petitioner/s
Mr. N P Lambat, Adv.for respondent nos 1 to 3

CORAM : SMT. VASANTI A. NAIK &
A.M. BADAR, JJ.

DATED : 31st March, 2015.

Heard.

The learned counsel for the respondents raises a preliminary objection to the tenability of the Writ Petition on the ground that the petitioner can invoke the arbitration clause in Clauses 63 and 64 of the Agreement. It is stated that the question of tenability of the Writ Petition, in view of the existence of the arbitration clause, was considered by this Court in Writ Petition No. 4541/2013 and by an order dated 7th July, 2014 the Writ Petition was dismissed after granting liberty to the petitioners therein to seek reference of the dispute to the Arbitrator, by invoking the arbitration clause.

On a reading of the order dated 7th July 2014 in Writ Petition No.4541/2013 and others, we uphold the preliminary objection raised on behalf of the respondents and decline to entertain the Writ Petition, for the reasons recorded in the order dated 7th July 2014. The petitioner is, however, at liberty to seek reference of the dispute to the Arbitrator by invoking the arbitration

clause. No order as to costs.

JUDGE

JUDGE

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