

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 155 OF 2016

UNION OF INDIA THROUGH CHIEF
ENGINEER.

... Petitioner

Versus

M/S. SHYAMA CHARAN AGARWALA &
SONS, THROUGH ITS SOLE PROPRIETOR,
SHRI MAHESH CHANDRA AGARWAL.

... Respondent

Mr. Mahesh Amonkar, Central Govt. Standing Counsel for the
Petitioner.

Mr. Bhobe Shailendra Gurudas, Advocate for Respondent.

Coram:- C. V. BHADANG, J.

Date:- 16th June, 2016

P.C.:

Heard Shri Amonkar the learned Central Government Standing counsel for the petitioner and the learned counsel for the respondent. The order challenged herein is the one by which the application under section 8 of the Arbitration and Conciliation Act 1996 has been rejected by the Trial Court.

2. The learned counsel for the respondent points out that as per the amended provisions of section 37 of the Act, the order refusing to refer the parties to arbitration under section 8 is made appealable as per section 37(1) (a) of the said Act. Faced with this, the learned counsel for the petitioner, on instructions, seeks permission to withdraw the petition, as the petitioner intends to file an appeal. In

such circumstances, the petition is disposed of as withdrawn. Rival contentions of the parties on merits are left open. If the appeal is filed, the appellate Court shall have due regard to the provisions of section 5 and section 14 of the said the Limitation Act. In the circumstances there shall be no order as to costs.

C. V. BHADANG, J.

ap/-