

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION No. 328 OF 2010**

The Goa State Co-operative Bank Ltd.,
having its Head Office at
Sahakar Sankul,
EDC Complex,
Patto Plaza, Panaji, Goa.

... Petitioner

v/s.

Shri Datta Shripad Naik,
son of Shripad Naik,
aged 69 years,
Prop. Of M/s Valmik Constructions.
Having its office at 2nd Floor,
Dattaprasad Building.
M. G. Road,
Panaji – Goa.

... Respondent

Mr. S. R. Rivonkar, Advocate for the Petitioner.
Mr. R. G. Ramani, Advocate for the Respondent.

CORAM :- F.M. REIS, J.
DATE:- 15th NOVEMBER, 2016

JUDGMENT:

Heard Shri S. R. Rivonkar, learned Counsel appearing for the Petitioner and Shri R. G. Ramani, learned Counsel appearing for the Respondent.

2. The above Writ Petition takes exception to the Order dated 05.03.2010 passed in Civil Miscellaneous Application No. 124/2009 whereby the application raising objections to the maintainability of such proceedings filed by the Petitioner came to be dismissed.

3. During the course of the hearing of the above Petition, Mr. Ramani

learned Counsel appearing for the Respondent pointed out that the issue as to whether such application is maintainable or not in terms of the Arbitration and Conciliation Act, 1996 is no longer res integra as this Court by Judgment dated 23.12.2013 in Writ Petition No. 325/2007 in the case of ***Mrs. Cirila Rosa Maria Pinto v/s. Goa State Co-op. Bank & Ors.***, has taken the view that objections to the award passed by the Arbitrator under the Multi State Cooperative Societies Act 2002, is maintainable in terms of the Arbitration and Conciliation Act, 1996. It is also not disputed that such view has been approved by the Hon'ble Supreme Court by Judgment dated 06.09.2016 in Civil Appeal No. 8756 of 2016 in the case of ***Ludovico Sagrado Goveia Versus Cirila Rosa Maria Pinto and Ors.***,

4. In such circumstances, I find that there is no substance in the above petition and stands accordingly, rejected. Needless to say, the learned District Judge shall proceed to examine the objections raised by the parties to the award on its own merits, in accordance with law.

5. Rule stands discharged accordingly.

F. M. REIS, J.

msr.