

*Sequeira*

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE SIDE JURISDICTION*

***WRIT PETITION NO. 8855 OF 2016***

***Along with***

***WRIT PETITION NO. 3766 OF 2016***

***(Not on board)***

***And***

***WRIT PETITION NO. 8734 OF 2016***

***(Not on board)***

M/s Shree Mahavir Patwa Developers &  
Construction Pvt. Ltd.

... Petitioner

Vs.

M/s Khushali Developers & ors.

... Respondents

Mr.Rajesh Singh, for Petitioner.

***CORAM : N.M.Jamdar, J.***

***Tuesday, 30 August 2016.***

***P.C. :***

The Writ Petition No.3766 of 2016 and Writ Petition No. 8734 of 2016, not on board. At the request of the learned counsel for the Petitioner, they are taken on board as the learned counsel states that the issue in all these Petitions is common.

2. The Petitioner has challenged the order passed by the learned District Judge, Thane below Exhibit 17 in Miscellaneous Civil Appeal No.171 of 2015.

3. The proceedings have reached the learned District Judge, Thane not under Code of Civil Procedure but under the provisions of the Arbitration and Conciliation Act, 1996. The Act provides and creates forums and the orders can be challenged under Section 34 and Section 37 of the Act.

4. The learned counsel for the Petitioner submitted that there is no remedy under the Arbitration Act against the order that is impugned. However, that does not mean that the Petitioner can invoke supervisory jurisdiction of this Court. If there is no remedy under the Act then that is by way of legislative policy to curtail the repeated challenges to awards passed in the arbitration proceedings. Such legislative policy cannot be defeated by entertaining the Writ petitions, when no remedy is deliberately provided under the Act. The Act is a complete Code in itself. If the Petitioner has a remedy to challenge the impugned order under the provisions of Arbitration and Conciliation Act, 1996 then it is always open to the Petitioner to pursue such remedy. Writ Petitions are accordingly rejected.

*(N.M.Jamdar, J.)*