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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3837 OF 2016

**M/S N A KHAN TRANSPORT CONTRACTS THROUGH ITS
PROPRIETOR NISAR AHMAD KHAN HAJI ABD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
**Advocate for Petitioner : Hon Ashwin V.
AGP for Respondents: Mr.D.R.Kale
Adv.Mr.N.B.Suryawanshi for R.2.**
...

**CORAM : S.C.DHARMADHIKARI &
MANGESH S. PATIL,JJ.**

DATE : 07/06/2017

PER COURT :-

If the respondent is reluctant and unwilling to submit to the jurisdiction of the Arbitrator appointed/to be appointed in terms of the agreement between the parties as is projected before us by petitioner, then the petitioner is not remedy-less. By pointing out the difficulties and a order of this Court, the petitioner can seek appropriate relief in terms of the Arbitration and Conciliation Act, 1996. Therein by Section 11 appointment of Arbitrator can be sought with the intervention of the Court. In such circumstances, keeping that avenue and remedy open for the petitioner so also all contentions of both sides, the Writ Petition is disposed of.

(MANGESH S. PATIL,J.) (S.C.DHARMADHIKARI,J.)

umg/