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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (L) NO. 160 OF 2016
IN
ARBITRATION PETITION NO. 628 OF 2015
WITH
NOTICE OF MOTION NO. 1195 OF 2016
WITH
NOTICE OF MOTION (L) NO. 1282 OF 2016

The Navi Mumbai Municipal Corporation,
Through its Commissioner.

.. Applicant/
Appellant

In the matter between

The Navi Mumbai Municipal Corporation,
Through its Commissioner.

.. Appellant

Versus

Antony Waste Handling Cell Pvt. Ltd.

.. Respondent

Mr. Saurabh Butala, Mr. Anwar Landge i/by Swati Sawant for appellant.
Mr. Subit Chakrabarti i/by Vidhi Partners for respondent.

CORAM: NARESH H. PATIL &
SMT. BHARATI H. DANGRE, JJ.

JULY 06, 2017.

P.C.

1. Learned counsel appearing for the appellant, on instructions, seeks leave to withdraw the appeal. Learned counsel submits that the appeal is preferred against the interim order passed by the learned Single Judge in Arbitration Petition No. 628 of 2015. Learned counsel submits

that in view of Section 37 of the Arbitration and Conciliation Act, the appeal is not maintainable. Learned counsel submits that liberty be granted to have recourse to appropriate remedy in respect of the order passed by the learned Single Judge.

2. Without expressing any opinion on merits of the matter and the submissions made by the learned counsel, we grant leave to withdraw appeal. The appellant may resort to appropriate remedy as permissible in law. Appeal is dismissed as withdrawn.

3. Notice of Motion No. 1195 of 2016 and Notice of Motion (L) No. 1282 of 2016 do not survive and stand disposed of.

4. In case the Registry / Taxing Officer finds that the appellant is required to pay any deficit court fee, they are entitled to take appropriate steps.

(SMT. BHARATI H. DANGRE,J.)

(NARESH H. PATIL,J.)