

ssp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO.148 OF 2017 IN
ARBITRATION PETITION NO.1422 OF 2015

Jenjon Retail and Services Pvt.Ltd. ...Appellant
vs.
Lavasa Corporation Ltd. ...Respondent

Mr.A.V.Anturkar, Senior Counsel a/w Mr.Siddharth S.
Deshpande for the appellant
Mr.Kaustubh Talukdar a/w Mr.Krishna Baruah and
Mr.Vikaskumar for the respondent

CORAM : A.S.OKA, &
 A.K.MENON,JJ.
DATE : APRIL 25, 2017

P.C.:

1 In paragraph 22 of the impugned Judgment it is observed thus:

"22 It is not in dispute that the petitioner had lodged this arbitration petition only on 22nd June 22015 whereas the intimation was posted by the postman on 21st July 2014 and 22nd July 2014..."

2 The learned senior counsel for the appellant seeks permission to withdraw this appeal with liberty to apply for review before the learned Single Judge as according to him on 11th June 2015, the petition under section 34 of the Arbitration and Conciliation Act,1996 was filed by way of e-filing.

He submits that the date of filing will have to be taken as 11th June 2015. He, therefore, seeks permission to withdraw this appeal with liberty to challenge the impugned order by filing a fresh appeal, in the event the learned Single Judge accepts that the date of filing of the petition will have to be taken as 11th June 2015.

3 Hence, the Appeal is disposed of as withdrawn with liberty to apply for review as prayed. In the event, the learned Single Judge clarifies that the date of filing of the petition under section 34 of the said Act of 1996 will have to be taken as 11th June 2015, it will be open for the appellant to file a fresh appeal.

4 We make it clear that all contentions on merits of the review petition which may be filed by the appellant are kept open. Pending Notice of Motion does not survive and the same is disposed of.

(A.K.MENON,J.)

(A.S.OKA,J.)