

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3565 OF 2018

Gujarat Infotech Ltd.	.. Petitioner
Vs.	
State of Maharashtra and ors.	.. Respondents

Mr.Jagdish G. Reddy, for the Petitioner.
Mr.C.P. Yadav, AGP for Respondents No. 1 to 4 – State.

**CORAM : SHANTANU.S.KEMKAR &
M.S.KARNIK, JJ.
DATE : 09th APRIL, 2018**

P.C. :

1. Parties through their Counsel.
2. Challenging the order dated 05/03/2018 – Exhibit 'SS' passed by the 2nd respondent – District Collector @ President, District Setu Samiti, Nashik, petitioner has filed this Petition.
3. Learned AGP raised preliminary objection that in view of clause 25 of the work order dated 29/02/2016 – Exhibit

'A', the dispute has to be raised and resolved by the department as in clause No. 25 it has been provided that the department and the company shall make every effort to resolve amicably by a direct informal negotiation, any disagreement or dispute arising between them under or in connection with the contract. The department has been specified as District Collector, Nashik. Clause 25 further provides that if after 30 days from the commencement of such informal negotiations, the department and the company are unable to resolve the dispute amicably, the dispute may be referred to a sole Arbitrator who shall be the Divisional Commissioner of the respective Division and whose decision will be final and binding on both the parties.

4. In view of the aforesaid clause, learned AGP submits that before filing this Writ Petition, the direct informal negotiation is to be held and parties are expected to make every effort to resolve the same amicably. In the absence of any decision within 30 days, the dispute is referable to a sole Arbitrator i.e. Divisional Commissioner. In the circumstances, he

submits that the Petition is premature and is liable to be dismissed.

5. Having considered the submissions made by learned Counsel for the petitioner as also learned AGP, we are disposing of this Writ Petition with liberty to the petitioner to take a recourse of clause 25, firstly, by direct informal negotiation. The District Collector and the petitioner are supposed to make informal negotiation and the District Collector will take decision within 30 days thereafter. In case the Collector is unable to resolve the dispute within 30 days, the petitioner has liberty to approach the Arbitrator.

6. With the aforesaid directions, Petition is disposed of.

7. All the contentions and objections of the parties are kept open.

(M.S.KARNIK, J.)

(SHANTANU.S.KEMKAR, J.)