

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION (L) NO.10642 OF 2018

Maharashtra State Electricity
Transmission Company Ltd.

... **Petitioner**

V/s.

Lustre Engineering Corporation & Anr.

... **Respondents**

.....

Mr.Abhijeet A. Desai with Ms.Vrushali L.Mainad i/b. Desai Legal,
Advocate for the Petitioner.

Nigel Quraishy i/b. Krishnan Dushyant, Advocate for the Respondents.

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**CORAM : SHANTANU S. KEMKAR &
A. M. BADAR JJ.**

DATED : 13th APRIL 2018

P.C.

1 Parties through Counsel.

2 According to the learned Counsel for the Petitioner though the Petitioner submitted its say (Exhibit E) at page 140 before the Director, Micro and Small Enterprises Facilitation Council, Kokan Division, Thane in Petition No.37 of 2007 stating therein that in respect to the dispute in question, the Arbitrator has already been appointed by the High Court and as such, the matter may not be required to be dealt with by the said Council or the Arbitrator.

3 Having gone through the impugned Order of initiation of arbitration, we find that the point raised by the petitioner had not been dealt with by the Council.

4 In the circumstances, as agreed by counsel appearing for parties, we set aside the impugned Order and remit the matter back to the Council for deciding the petitioner's objections afresh.

5 The parties to appear before the Council on 25th April 2018 on 11.00 a.m.

6 The Council to give due opportunity of hearing to the parties and pass fresh reasoned Order.

7 All contentions are kept open.

8 The Petition is disposed of.

(A. M. BADAR J.)

(SHANTANU S. KEMKAR J.)