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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION (ST) NO.15701 OF 2018

Maharashtra State Electricity
Transmission Company Ltd. ..Petitioner.

V/s.

Lustre Engineering Corporation & Ors. ..Respondents.

Mr.Abhijeet Desai with Ms.Vrushali Maindad for the petitioner.

Mr.Nigel Querishi i/b. Dushyant Krishnan for respondent No.1.

Mr.M.M.Pabale, AGP for respondent No.2.

***CORAM: SHANTANU KEMKAR AND
NITIN W.SAMBRE, JJ.***

DATE : JUNE 13, 2018

PC.:-

Having heard learned counsel for the parties, we find that while passing the impugned order dated April 25, 2018 the Council has totally ignored the order passed by this Court on April 13, 2018 in Writ Petition (L) No.10642 of 2018 specifically directing the Council to consider the say (Exhibit-E as was filed in the said writ petition) to the extent that in respect of the dispute in question, an Arbitrator has already been appointed by the High Court and the matter may not be required to be dealt with by the Council or the Arbitrator as may be appointed by it.

2. Without going into the said objection raised by the petitioner, the Council has passed the impugned order dated April 25, 2018.

3. Having regard to the aforesaid, in our view, there is a clear non application of mind by the Council while passing the impugned order. As a result, we set aside the impugned order and once again remand the matter back to the Council for deciding the question raised by the petitioner as was referred in the earlier order of this Court dated April 13, 2018 afresh.

4. The parties are directed to appear before the Council on July 2, 2018 at 11.00 a.m.

5. The Council to take the decision as aforesaid, as expeditiously as possible.

6. All contentions of the parties are kept open.

7. With the above directions, the petition stands disposed of.

(NITIN W.SAMBRE, J.)

(SHANTANU KEMKAR, J.)