

Vidya Amin

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

**ARBITRATION APPEAL (St.) NO. 22945 OF 2019
WITH
CIVIL APPLICATION (ST.) NO. 22947 OF 2019
IN
ARBITRATION APPEAL (St.) NO. 22945 OF 2019**

Solution Advertising

... Appellant

V/s.

Thane Municipal Corporation & Ors.

... Respondents

Mr. Nikil Sakhardande a/w. Mr. Avinash Fatangare i/b. Vishakha V. Pandit for the appellant.

Mr. Aditya Andhorikar a/w. Samrat Thakker i/b. Jaideep Thakker for respondent no. 1.

CORAM : G.S.KULKARNI, J.

DATE : 4th September, 2019

P.C.:

After this Appeal was heard for sometime, Mr. Sakhardande, learned counsel for the appellant seeks leave to withdraw this Appeal to file appropriate proceedings on the action being taken on behalf of the respondent nos. 1 to 3 in regard to the recovery of advertisement fee and the advertisements of the appellant, and in respect of which the trial Court has refused to grant any protection, by the impugned order.

2. Accordingly, Appeal is allowed to be withdrawn with liberty as prayed for.

3. Mr. Sakhardande, learned counsel for the appellant informs that in the interregnum, for recovery of advertisement fees from the appellant, respondent

nos. 1 to 3 had taken coercive action in respect of some advertisements of the appellant and last of such action was taken on 16th August, 2019. He submits that to enable the appellant to file appropriate proceedings at least for some period, respondent nos. 1 to 3 should not take any coercive action. In my opinion, since from 16th August, 2019, as no action was taken by respondent nos. 1 to 3 and only to enable the appellant to resort to an appropriate remedy, no such action be taken by respondent nos. 1 to 3 for a further period of one week from today. Ordered accordingly.

4. The above direction is, however, no expression on the merits of the contentions of the appellant or for that matter either of the parties, and is granted only to enable the appellant to file appropriate proceedings, to challenge the demand of advertisement fees as been levied by respondent nos. 1 to 3 who are not parties to the arbitration agreement. All contentions of the parties are expressly kept open.

5. Appeal is disposed of in the above terms. No costs.

6. Civil Application would also not survive, it is accordingly disposed of.

(G.S.KULKARNI, J.)