

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMM ARBITRATION APPLICATION (L) NO. 415 OF
2019**

Vijay Hiralal Jaiswal

...Applicant

Versus

The Executive Engineer (NUR-IT) of CIDCO
Ltd & Ors

...Respondents

Mr S Murthy, *i/b Abhishek Patil, for the Applicant.*

Mr GS Hegde, *with Ms PM Bhansali, for Respondents Nos. 1 to 4.*

CORAM: G. S. Patel, J.

DATED: 5th November 2019

PC:-

1. Admittedly and demonstrably, there is no privity of contract between the Applicant, the sole proprietor of a concern called Three Circles, and Respondent No. 4, CIDCO, a Government of Maharashtra undertaking. The contract was between the CIDCO and the 6th Respondent, Supreme Infrastructure Co. It was for the construction of a bridge.

2. The Applicant claims to be a sub-contractor of Supreme Infrastructure India Ltd.

3. Realising that this is by no means enough, Mr Murthy says that he holds a Power of Attorney from Supreme Infrastructure India Ltd. But even that is not enough because that Power of Attorney does not entitle him to maintain the present petition. He proposes now to approach Supreme Infrastructure, a public limited company with a Board of Directors and regulated by the Companies Act 2013 (not to mention the Insolvency and Bankruptcy Code) to obtain a full-blown Power of Attorney. Whether or not he will get it is entirely a matter of speculation. This is not a reason to keep an application of this kind pending.

4. It is dismissed.

5. It goes without saying that should Mr Murthy's client's stars align as he would wish them to, he is at liberty to adopt suitable proceedings in a Court of competent jurisdiction.

(G. S. PATEL, J)