

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 WRIT PETITION NO.4914 OF 2020

SAUDAGAR AGENCIES THROUGH ITS PROPRIETOR MOHD RAFI
MOHD KHAJA ..PETITIONER

VERSUS

THE UNION OF INDIA AND OTHERS ..RESPONDENTS

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Ms. P. S. Talekar, Advocate for the Petitioner.

Mr. A. B. Chate, AGP for Respondents-State.

Mr. D. V. Soman, Advocate for Respondent No.2.

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CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATED : 08th SEPTEMBER, 2020.

PER COURT:-

1. We have heard Ms. Talekar, learned counsel for the petitioner.

2. Mr. Soman, learned counsel for the Cantonment raises a preliminary objection that in view of the provisions of the Cantonment Act and the Clause in the agreement, the matter is required to be dealt by the Arbitrator and the proceeding under the Arbitration Act are required to be followed.

3. In view of the objection raised and contentions of the respondents that the petitioner should avail the remedy under the Arbitration Act, we are not inclined to entertain the writ petition on merits.

4. Writ Petition is disposed of with liberty to the petitioner to avail the remedy under the Arbitration Act and the Arbitration Clause as contended by the respondents. The interim relief granted by this Court on 09.07.2020, 20.08.2020 and continued from time to time shall continue for a period of two weeks from today, so as to enable the petitioner to apply before the Competent Court.

5. All contentions on merits are kept open.
No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE