

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4938/2017

Tech Mahindra Ltd.,

Vs.

Maharashtra Airport Development Company Limited, through its Managing Director, Mumbai
and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.S. Jaiswal, Sr. Advocate A/b Ms. Radhika Bajaj, Advocate for
petitioner

Shri M.G. Bhangde, Sr. Advocate A/b Shri R.M. Bhangde, Advocate for
respondent no.2

CORAM : N.W. SAMBRE AND

N.B. SURYAWANSHI, JJ.

DATED : 11.03.2020

Heard learned Senior Counsel for the respective parties.

Arbitration agreement, particularly Clause (iv) of
paragraph no.7 thereof reads thus:

“7. The LESSOR do hereby agree with the
LESSEE as follows:-

(i) to (iii) ...

(iv) *Any and all disputes or differences between the parties arising out of or in connection with this Lease Agreement or its performance shall, so far as it is possible, be settled amicably through conciliation. If after 15 days of conciliation, the parties have failed to reach an amicable settlement on any or all disputes or differences arising out of or in connection with this Lease Agreement or its performance, such disputes or differences shall be submitted to Arbitration for final adjudication. Arbitration proceedings shall be conducted by a Sole Arbitrator who shall be mutually appointed by both the parties. Such arbitration shall be in accordance with the Indian Arbitration and Conciliation Act, 1996 (‘Arbitration Act’) and the rules made there under and/or amendments thereof.”*

Shri Jaiswal, learned Senior Counsel submits that in compliance thereof conciliation proceedings will be attempted and failure thereof, the petitioner shall take recourse to arbitration proceedings.

In view of the aforesaid submissions, not being objected by learned Senior Counsel for the respondent no.2, without going into the merits of the writ petition in our opinion, it will be appropriate to dispose of the writ petition by relegating the parties to conciliation proceedings. In case there is failure in conciliation, the parties may take recourse to the arbitration proceedings as provided in clause (iv) of paragraph no.7 of the agreement.

Thus, the writ petition stands disposed of in the above terms. No order as to costs.

JUDGE

JUDGE

RS Sahare