

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

5 ARBITRATION APPEAL NO.2 OF 2019

SHRI TULJA BHAWANI DISTRICT STADIUM COMMITTEE,
OSMANABAD THROUGH IT'S PRESIDENT/COLLECTOR
VERSUS
RAHUL RAMKRUSHNA MAKODE

...
Advocate for Appellant : Mr. Deshmukh Rajendra S. Senior
counsel i/b Mr. K A Kale
Advocate for Respondent : Mr Gawali Amol K.

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CORAM : V.K. JADHAV, J.
Dated: January 19, 2021
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PER COURT :-

1. Heard both sides.
2. By order dated 09.10.2020 in Civil Application No.3308 of 2020 in arbitration appeal no.1 of 2019 seeking withdrawal of the amount which stand deposited in this Court pursuant to the order passed by this Court on 5.2.2019, this Court has observed that "the order of condonation of delay in preferring the appeal under section 37 was challenged before the Supreme Court and the Supreme Court by order dated 10.01.2020 has allowed the Civil appeal and quashed and set aside the order of this Court condoning the delay." However, after

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considering the submissions of the learned Senior Counsel Mr. Deshmukh made on behalf of the original appellant, this Court (Coram : Mangesh S.Patil,J.) has considered that there is a review petition pending before the Supreme Court. In view of the same, this arbitration appeal no.2 of 2019 kept as it is.

3. Learned counsel Mr. Gawali appearing for respondent points out that by order dated 12.1.2021 the Supreme Court rejected the review petition with the observations that there is no error apparent on the face of the record, warranting reconsideration of the order impugned.

4. In view of the above, nothing survives in this arbitration appeal for adjudication. In view of the same, the Arbitration Appeal no.2 of 2019 is disposed off. Interim relief, if any, stands vacated.

(V.K. JADHAV, J.)

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