

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6390 OF 2021

SHRI SWAMI SERVICES LABOUR AND SECURITY CONTRACTOR
THROUGH ITS PROPRIETOR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Smt. Anjali Dube (Bajpai)

AGP for Respondents No. 1 to 3 : Mr. S. G. Karlekar

...

**CORAM : S.V. GANGAPURWALA AND
M. G. SEWLIKAR, JJ.**

DATE : 25th JUNE, 2021

PER COURT :-

1. Smt. Dube, the learned advocate for the petitioner submits that the contract with the petitioner was for two years. The respondents abruptly and arbitrarily cancelled the contract on 15th May, 2021. Learned counsel submits that the act of the respondents is arbitrary, illegal and does not stand to reason. The work of the petitioner was satisfactory. The documents to that effect also prove the petitioner's claim.

2. It appears that as per the contract, more particularly, clauses 3.8.1 and 3.8.2, mechanism is provided for redressal of the grievances. Clause of arbitration exists between the parties.

3. In view of the fact that clause of arbitration exists, we are not inclined to exercise our writ jurisdiction under Article 226 of the Constitution of India. The petitioner may avail the remedy as provided under the contract, more particularly clause 3.8.

4. It is made clear that we have not considered the contentions of the petitioner on merit and all contentions of the petitioner are kept open. Writ petition is disposed of. No costs.

(M. G. SEWLIKAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE