

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

56 COMMERCIAL APPEAL NO.1 OF 2020

WITH

CIVIL APPLICATION NO. 8008 OF 2020

THE CHIEF OFFICER JAMKHED NAGAR PARISHAD JAMKHED
VERSUS
THE NISARG CONSULTANCY THROUGH RAMCHANDRA BARMU
PATIL

...

Advocate for Appellant : Mr. Satyajit Bora
Advocate for Respondent: Mr. Shailesh P. Bramhe

...

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

DATE : 1st March, 2021

P.C. :

. We have heard Mr. Bora, the advocate counsel for the petitioner and Mr. Bramhe, the learned advocate for the respondent/sole.

2. Mr. Bramhe, the learned advocate for respondent refers to Section 8 and Section 13 of the Commercial Courts Act, 2015 and submits that the impugned order cannot be entertained in an appeal.

3. Mr. Bora, the learned advocate submits that considering Sections 8 and 13 of the Commercial Courts Act, 2015, the petitioner had filed a petition bearing Writ Petition No.5897 of 2020 before the

learned Single Judge of this Court. The same was disposed of on 20th August, 2020 with liberty to avail the remedy under the Commercial Courts Act.

4. The present order is not an order that is available under order 43 of the Code of Civil Procedure. Reading Sections 8 and 13 of the Commercial Courts Act, 2015 it is manifest that the order impugned cannot be a subject matter of the appeal as the same is interlocutory in nature.

5. It is made clear that we have not considered the contention of the parties on merits of the matter. The same is left open to be agitated in accordance with the provisions of statute and before the forum as is permissible under law.

6. In light of that, the present appeal is disposed of. No costs.

7. In view of the disposal of appeal, Civil Application is also disposed of.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)