

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

**CIVIL APPLICATION NO.9185 OF 2021
IN
ARBITRATION APPLICATION NO.15 OF 2019**

**GANESH GOODS TRANSPORT AURANGABAD THR PROP. AJAY GULABRAO
PAWAR
VERSUS
THE STATE OF MAHARASHTRA FOOD AND URBAN SUPPLY DEPARTMENT
MUMBAI AND ORS**

...
Advocate for Applicant : Mr. G.K. Naik Thigle
AGP for Respondent: Mr. S.W. Mundhe
...

CORAM : MANGESH S. PATIL, J.

DATE : 27.10.2021

PER COURT :

The Application is made for speaking to the minutes of the order/modification of the order dated 16.07.2021.

2. It is pointed out by the learned advocate Mr. Naik Thigle for the applicant that in paragraph No.1 it has been erroneously mentioned that the Divisional Commissioner, Aurangabad has nominated the Collector, Aurangabad, when in fact and in law, the Collector Aurangabad would have his own powers and was merely directed to be approached by the parties in the order passed by the Commissioner dated 30.06.2009. The use of the word “nominated” is coming in the way of the applicant as, in that case, the powers of the Collector to act on behalf of the Divisional Commissioner may create an impediment for approaching The Divisional Commissioner again.

3. The learned AGP submits that though the word “nominated” is indeed erroneous, it may be clarified that the Collector was to act in accordance with the powers vesting in him and there was no direction as such, albeit, as observed in the order dated 30.06.2009 it is with the consent of the appellants/applicants that they were permitted to approach the Collector to settle the claims.

4. In view of the submissions and the order passed by the Commissioner dated 30.06.2009, the Application is allowed.

5. In paragraph No.1 of the order dated 16.07.2021 the words **"has nominated"** be replaced by words **"has permitted the applicants to approach the Collector"**.

6. The Application is disposed of.

(MANGESH S. PATIL, J.)