

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

**REVIEW APPLICATION NO.91 OF 2021
IN
ARBITRATION APPLICATION NO.9 OF 2021
WITH
REVIEW APPLICATION NO.102 OF 2021
IN
ARBITRATION APPLICATION NO.9 OF 2019**

**PRAKASH AKSARAM JAIN
VERSUS
THE STATE OF MAHARASHTRA FOOD AND CIVIL SUPPLY
DEPARTMENT AND ORS.**

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Mr. G. K. Naik Thigle, Advocate for the Applicant.

Mr. D. R. Kale, Government Pleader for Respondents-State.

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**CORAM : SANDEEP V. MARNE, J.
DATED : 16th DECEMBER, 2022.**

PER COURT:-

1. Applicant seeks review of the judgments and orders dated 23.07.2021 by which this Court has rejected the applications filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short 'Act of 1996') *inter alia* holding that there has already been adjudication between the parties by way of Award dated 10.05.2010. The present Review Applications are in the nature of the Appeal over the findings recorded by this Court. The Applications are thus outside the scope of review and deserve to be rejected summarily.

2. The only liberty that Mr. Thigle, learned counsel seeks is to file petition under Section 34 of the Act of 1996 challenging the awards passed by the Additional Collector. He

would submit that the observations made by this Court in the judgment under review might come in his way in filing petitions under Section 34 of the Act of 1996.

3. Perusal of the judgments under review indicates that this Court has not barred the remedy of petitioners to challenge the award under Section 34 of the Act of 1996. Accordingly, it is clarified that notwithstanding rejection of these Review Applications, applicants shall have the appropriate remedy to challenge the Award by filing petitions under Section 34 of the Act, 1996 before the appropriate Court.

4. With these observations, Review Applications are rejected.

(SANDEEP V. MARNE)
JUDGE