

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**ARBITRATION APPEAL NO. 38 OF 2015
WITH
CIVIL APPLICATION NO. 21 OF 2015**

The State of Maharashtra, represented
through Executive Engineer .. Appellant

Vs.

M/s. Ashoka Bridgeways, through its
Authorized person Uttam Dhondiba Pawar .. Respondent

None for the appellant/applicant.

Mr. R.S. Apte, Senior Advocate a/w. A. Garge for the respondent.

**CORAM : G.S. KULKARNI, J.
DATE : AUGUST 17, 2022.**

P.C.:

1. This appeal has been filed under section 37 of the Arbitration and Conciliation Act, 1996 (for short “**ACA**”) assailing the order dated 30 June, 2014 passed by the learned District Judge on an application filed by the respondent under section 9 of the ACA. The operative order as passed by learned District Judge reads thus:

“

ORDER

1) Civil Miscellaneous Application No. 29/14 is allowed as:

2) The opponent including his officers, agents, representatives and person claiming under him are restrained by order of injunction from stopping the applicant from collecting and retaining toll from the vehicles passing through the project facility “Improvement to S.H. 76 to Takali Kasegaon Anwali Road MDR 71 Km. no. 00/00 to 1.00 till the end of agreed concession period in the contract upto 15.5.2017 and extended concession period as per award upto 15.8.2020 and further extension on account of entitlement under claims.”

2. Mr. Apte, learned senior counsel for the respondent states that the order in fact stands worked out inasmuch as the respondent collected toll during the period specified in the order and the extended period also came to an end on 31 August, 2021. It is his submission that accordingly the present proceedings have become infructuous.

3. Earlier on several occasions, this proceeding was adjourned. Today, when the matter is called out, none appears for the appellant. It appears that in the circumstances as note above, the appellant is not interested to prosecute the present proceedings as also clear from the earlier orders passed by this Court.

4. The Appeal is accordingly disposed of as infructuous with liberty to the appellant to apply in the event something nonetheless survives in the appeal.

5. Civil Application would also not survive, it is accordingly disposed of.

[G.S. KULKARNI, J.]