

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

**COMM ARBITRATION PETITION NO. 435 OF 2017
WITH
INTERIM APPLICATION NO. 910 OF 2020
IN
COMM ARBITRATION PETITION NO. 435 OF 2017**

Hotel Leela Venture Limited	...Petitioner
Versus	
Airport Authority of India	...Respondent

Mr. Ankoosh Mehta, a/w Anural Sahai, Kunj Dungarwal, i/b
Cyril Amarchand Mangalda, for the Petitioner.

**CORAM: N. J. JAMADAR, J.
DATED : 28th MARCH, 2022**

PC:-

1. Heard the learned Counsel for the petitioner.
2. The learned Counsel for the petitioner informs the Court that Arbitration Appeal (L) No.11312 of 2011 and Arbitration Appeal (L) No.12153 of 2021, under Section 37 of the Arbitration and Conciliation Act, 1996, have been heard and reserved for orders.
3. In this petition, the primary relief is that of restraining the respondent from in any manner proceeding and taking any steps whatsoever in E.O. Case No.41 and 41A of 2017

alongwith E.O. Case No.42 and 42A of 2017, pending before the Eviction Officer, under Chapter VA of the Airports Authorities of India Act, 1994.

4. The learned Counsel for the petitioner further submits that the proceeding before the Eviction Officer has since been proceeded with and the said proceeding is now posted for final hearing. The learned Counsel submits that the very issue of applicability of the provisions contained in Chapter VA of the Airports Authorities of India Act, 1994, to the subject premises, is in question.

5. Having regard to the nature of the instant petition and the relief sought by the petitioner, especially, in the backdrop of the fact that the said proceeding has reached an advanced stage, at this juncture, there is no propriety in keeping this petition under Section 9 alive.

6. Undoubtedly, the petitioner would have the remedies against the order, which may be passed by the Eviction Officer. Keeping open the liberty to the petitioner to avail the remedies, as available in law, the petition stands disposed.

7. In view of disposal of the petition, interim application does not survive and stands disposed.

[N. J. JAMADAR, J.]