

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

CIVIL APPLICATION (O) NO.445 OF 2021 IN
M.C.A.ST.NO.5225 OF 2020 (REVIEW) IN
M.C.A.(Arbn) No.192/2019(D)

M/s.Jai Bajrang Pulse & Oil Industries, by its Partner-Shri Rajendra G. Agrawal &
anr.
Vs.
Ratankumar Goverdhanlal Agrawal and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.S.Dhengale, Advocate for applicants.
Shri N.A.Lalwani, Advocate for non-applicant nos. 2 to 4.

CORAM :- A.S.CHANDURKAR, J.
DATE :- APRIL 13, 2022.

Considering the reasons mentioned in the application the delay in filing Review Application stands condoned. The civil application is allowed and disposed of.

MISC. CIVIL APPLICATION (REVIEW) St.NO.5225/2020

The applicants who were the original non-applicant nos. 1 and 2 in Miscellaneous Civil Application (Arbitration) No.192/2019 seek review of the order dated 06.11.2019 by which the proceedings under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, 'the said Act') had been allowed and an Arbitrator had been appointed to resolve the disputes. In those proceedings the present applicants did not file any reply opposing the said proceedings. On the contrary the order dated 09.09.2019 indicates that the parties through their counsel had given consent to the appointment of an Arbitrator.

Hence in absence of any opposition to the application filed under Section 11 of the said Act and in view of the consent recorded on 09.09.2019, it will not be permissible to re-open the proceedings under

Section 11 of the said Act. It is always open for the applicants to oppose the arbitration proceedings before the Arbitrator by raising all permissible defences.

In view of aforesaid, the application for review stands rejected.

(A.S.CHANDURKAR, J.)

Andurkar.