

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

**ARBITRATION APPEAL NO.3 OF 2023
WITH CA/3578/2023 IN ARBA/3/2023**

**SAHAKAR MAHARSHI SHANKARRAO MOHITE PATIL SAHAKARI
SAKHAR KARKHANA LTD. THROUGH ITS MANAGING DIRECTOR
VERSUS**

**AMBIKA BIO ENERGY PVT. LTD THROUGH ITS AUTHORIZED
PERSON DINESHKUMAR MURLIDHAR INNANI**

...

Advocate for Appellant : Mr. Sunil B. Jadhav
Advocate for Respondent No.2 : Mr. Shyam C. Arora

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 13th JULY, 2023

PER COURT :

1. Admittedly, the order dated 22/12/2022, impugned in present appeal was subject matter of challenge in Arbitration Appeal No.02/2023, filed by the present applicant against respondent No.2. This Court [Coram: Sharmila U. Deshmukh, J.] by allowing the appeal set aside the impugned order dated 22/12/2022, vide order dated 02/03/2023.

2. The said decision was challenged before the Hon'ble Supreme Court by filing Petition for Special Leave to Appeal (C) No. 5564/2023, which was dismissed by order dated 24/03/2023.

3. Since the challenge raised in this appeal is already considered and decided by this Court in earlier round of litigation

between the same parties, the present appeal deserves to be allowed in terms of the same order.

4. In the light of above, for the reasons stated in order dated 02/03/2023 passed in Arbitration Appeal No.02/2023, the present appeal is allowed, on the same terms.

5. Civil application accordingly stands disposed of.

(NITIN B. SURYAWANSHI, J.)