

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARBITRATION APPEAL NO. 32 OF 2016
WITH
CIVIL APPLICATION NO. 38 OF 2015
IN
ARBITRATION APPEAL NO. 32 OF 2016

The State of Maharashtra
Through the Executive Engineer

...Appellant/Applicant

Versus

M/s. Ashoka Bridgeways & Anr.

...Defendants

* * *

- None for the Appellant.
- Mr. A.A. Garge, for Respondent No. 1

* * *

CORAM : MANISH PITALE, J

DATE : 23rd MARCH, 2023.

P. C. :

1. This appeal has been pending in this Court since the year 2016. It was listed along with Civil Application No. 38 of 2015 and as far back as on 28th August, 2019, this Court had granted last chance for the Appellant – State to pursue the matter.

2. Thereafter, Arbitration Appeal No. 38 of 2015, was disposed of by observing that even in the said appeal, the Appellant – State did not appear to be interested in prosecuting the matter. In the facts of the said appeal, it was found that matter had been rendered infructuous and therefore, the appeal was disposed of.

3. The present appeal was listed on a number of occasions

thereafter, but the hearing has not proceeded. On 17th August, 2022, this Court recorded that there was no appearance on behalf of the Appellant – State and the appeal was adjourned as a matter of last chance.

4. Today also, when the appeal is called out for hearing, there is no appearance on behalf of the said Appellant – State, while the learned Counsel for the Respondent is present and ready for arguments.

5. A perusal of the material on record shows that the impugned judgment and order in the present case was passed by the District Court, as far back as on 13th June, 2014. Evidently the Appellant – State is not interested in prosecuting the present appeal.

6. Hence, the appeal is dismissed.

7. In view of the dismissal of the appeal, pending applications, if any, stand disposed of.

(MANISH PITALE, J.)