

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION 7722 OF 2022

Shri. Sadguru Construction Company,
“Savli”, Tapadiya Nagar, Akola,
through its Managing Partner,
Shri Jagannath s/o. Chhagan Patel,
age 62 years, Occ. Business,
R/o. Tapadiya Nagar, Akola,
Tahsil District Akola

.....PETITIONER

...V E R S U S...

1. State of Maharashtra,
through its Secretary, Rural
Development and Water
Conservation Department,
Mantralaya, Mumbai 32

2. Executive Engineer,
Minor Irrigation Local Sector
(L.S.) Division, Buldana,
Tahsil District Buldhana

3. Director of Insurance,
Maharashtra Govt. Insurance
Funds, 264 Griha Nirman Bhawan
(MHADA), First Floor,
Opp. Kala Nagar,
Bandra (East), Mumbai 51

4. Chief Engineer Office,
Nagpur having its office at

..RESPONDENTS

Mr. D.S. Patil, counsel for petitioner.
Mr. M.K.Pathan, AGP for respondents 1&2/State.

CORAM:- ROHIT B. DEO & M.W. CHANDWANI, JJ.
DATE : 04.07.2023

JUDGMENT (Per: Rohit B. Deo, J.)

Heard.

2. The learned counsel for petitioner Mr. D.S. Patil invites our attention to the order dated 25.8.2020, rendered by the Co-ordinate Bench in Writ Petition 1913/2015.

3. The Co-ordinate Bench noted the preliminary objection raised by the respondents that there is in existence an arbitration clause.

4. The present petitioner withdrew Writ Petition 1913/2020 with liberty to invoke the arbitration clause.

5. There is nothing on record to suggest that the petitioner has invoked the arbitration clause.

6. Assuming that the petitioner has invoked the arbitration clause, and the respondents have unjustifiably refused to appoint arbitrator, the remedy of the petitioner lies

elsewhere.

7. The petition is dismissed.

belkhede (M.W. Chandwani, J.)

(Rohit B. Deo, J.)