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19-wp-13705-24

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

19 WRIT PETITION NO. 13705 OF 2024

RAHATA NAGAR PARISHAD THROUGH ITS CHIEF OFFICER

VERSUS

THE NISARGA CONSULTANCY THROUGH AUTHORIZED
REPRESENTATIVE NANDKUMAR SUBHASH KADAM

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Advocate for the Petitioner : Mr. S. S. Chapalgaonkar

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CORAM : R.M. JOSHI, J.

DATE : 16.12.2024

PER COURT :

1. This petition is filed against order passed by the commercial court rejecting objections raised by the defendant/petitioner herein on the ground that the dispute is not the commercial dispute in the meaning of section 2 (1)(c)(x) of the Commercial Courts Act.
2. Perusal of the record indicates that the subject matter of the suit, is consultancy agreement. Once the agreement is consultancy agreement, the same is covered by the above provision.
3. Learned counsel for the petitioner has tried to convince this Court that said Act, it would be commercial dispute only if the agreement subsists. It is his submissions that agreement is over and therefore, it does not remain the commercial dispute.

4. This Court does not agree that with the said submissions for the reason that the commercial dispute as defined by the said provision indicates that the commercial dispute means a dispute arising out of the management and consultancy agreement. It does not qualify that the dispute would be commercial dispute only if such agreement subsists / in force.

5. In view of the above, there is no substance in the petition. It stands dismissed.

(R.M. JOSHI, J.)

shp