

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO. 1773 OF 2024
WITH
WRIT PETITION NO. 5953 OF 2023

MSL Driveline Systems Ltd

.. Petitioner

Versus

M/s. Kshitij Enterprises

.. Respondent

.....

- Mr. Chakrapani Misra a/w Ms. Shobhana Narayan, Mr. Jigar Parmar, Ms. Dixita Gohil a/w Ms. Ananya Misra i/by Khaitan & Co for Petitioner
- Mr. Rahul Motkari i/by Mr. Venkatesh Iyer for Respondent

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 12, 2024

P. C.:

1. Heard Mr. Misra, learned Advocate for Petitioner and Mr. Motkari, learned Advocate for Respondent.

2. Pursuant to the order passed by this Court on 26.02.2024, both these Writ Petitions can be disposed of by directing the learned District Court, Nasik seized with hearing of Arbitration Application No. 420/2022 challenging the Award passed by MSME Council under Section 34 of the Arbitration and Conciliation Act, 1996 (for short “**the Act**”) Both the parties are at variance with respect to grant of interest and in that view of the matter, contention of both parties *qua* interest is expressly kept open. That apart the parties shall also be at liberty to move the learned District Court by any interlocutory Application

seeking reference and or remand of any of the issue in the impugned Award under the Act, if so available to the parties and strictly in accordance with law. Learned District Court, Nasik is directed to dispose of Arbitration Application No. 420/2022 as expeditiously as possible and in any event within a period of four months from today.

3. Orders passed by the learned District Court in Applications below Exh. 1, Exh. 19 and Ex. 22 shall be held in abeyance until the decision in Arbitration Application No. 420/2022 and they shall be subject to the final outcome in the aforesaid Arbitration Application.

4. All contentions of the parties are expressly kept open without prejudice to their rights and contentions.

5. With the above directions, both Writ Petitions are disposed.

[MILIND N. JADHAV, J.]

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