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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO. 398 OF 2024

Swikriti Renewables Private Limited OPC .. Applicant
Versus
ESDEC India Solar Private Limited and Anr. .. Respondents

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- Mr. Amit Tungare a/w. Jill Rodricks and Mr. Rishikesh Chindarkar, Advocates for Applicant.
 - Mr. Thomas George a/w. Mr. Navankur Pathak, Advocates i/by Saikrishna & Associates for Respondents.
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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 07, 2024.

P.C.:

1. I have heard Mr. Tungare, learned Advocate for Applicant and Mr. George, learned Advocate for Respondents and on the issue in the present Civil Revision Application.

2. The debate pertains to a decision on the question of jurisdiction pertaining to the ouster clause contained in the Service Agreement executed between the parties wherein according to Mr. Tungare, the parties have agreed to raise all legal disputes in the jurisdiction of New Delhi. However, the said clause will have to be read in accordance with the transaction between the parties contained in the Distribution Agreement read alongwith the Service Agreement wherein the said clause is contained.

3. Mr. George, learned Advocate appearing for the contesting Respondents would submit that the Respondents desire to file Affidavit-in-Reply. It shall be filed within a period of two weeks from today and an advance copy of the same shall be served on Mr. Tungare. Rejoinder, if any, to be filed within one week thereafter.

4. Today, Mr. Tungare has placed on record a decision of the Supreme Court in the case of *A.B.C. Laminart (P) Ltd. and Anr. Vs. A.P. Agencies, Salem* passed in Civil Appeal No.2682 of 1982 decided on 13.03.1989 which renders assistance to the submission of the Applicant before me.

5. Mr. George is directed to consider the above decision and address the Court accordingly on the next adjourned date.

6. In the meanwhile, proceedings before the Trial Court shall stand stayed until the present Civil Revision Application is determined by this Court.

7. Stand over to **28th August 2024.**

[MILIND N. JADHAV, J.]

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