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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.10968 OF 2024
IN
ARBITRATION APPEAL (ST) NO.20305 OF 2024**

BHARAT
DASHARATH
PANDIT

Virendra Shamji Patel

.... Applicant/
Appellant

V/s

Deputy Collector / Competent Authority/
Sub-Assistant Collector and others

.... Respondents.

Ms. Anjum Maner, a/w Mr. Yogesh Morbale i/b Mr. Vinod P. Sangvikar,
Advocates for the Applicant/Appellant.

Ms. Dikshita Gupte, Advocate for respondent no.2.

**CORAM: A.S. CHANDURKAR &
RAJESH S. PATIL JJ.**

DATE: 13th November, 2024

P.C.:-

1] The learned Counsel for the applicant seeks time on the ground that arguing counsel is not available. The learned counsel for respondent No.2 however submits that present proceedings filed under Section 37 of the Arbitration & Conciliation Act, 1996 are not maintainable on the ground that the initial Award passed by the Arbitrator determining the amount of compensation at Rs 2362/- per square meter was challenged by the respondent no.2 by filing an application under Section 34 of the Act of 1996. The present applicant accepted the Award passed by the Arbitrator. It is only after

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the proceedings under Section 34 of the Act of 1996 were decided on 02/03/2024 that the applicant has filed the present appeal. As the Award passed by the Arbitrator was not challenged by the applicant, present appeal is not maintainable.

2] To grant an opportunity to the applicant to indicate as to how the present appeal is maintainable, put up on 06/12/2024 alongwith Arbitration Appeal No.76 of 2024.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]