

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION APPLICATION NO. 126 OF 2024

Dilip Buildcon Limited

...Applicant

Vs.

Maharashtra State Road Development Corporation Limited ...Respondent

Mr. Amir Arsiwala a/w Monika Tanna, Dhara Modi and Nandita Dethe i/by
Singhanian Legal Services for the Applicant.

Mr. J. D'Souza i/by Bulwark Solicitor for the Respondent.

CORAM : ARIF S. DOCTOR, J.

DATE : 3RD OCTOBER, 2024

P.C.:-

1. Stand over to 10th October, 2024 to enable Learned Counsel for the Respondent to take necessary instructions since it has been submitted that though the contract provides for a mechanism to be followed, that mechanism has not been followed. The steering committee in question to which disputes are supposed to go, I am informed, has been constituted only after filing the present Section 11 application on 14th September, 2024. Hence, in light of the law laid down in the judgment of *Visa International Ltd. Vs. Continental Resources (USA) Ltd.*¹ and *Datar Switchgears Ltd. Vs. Tata Finance Ltd.*² it would possibly not be

1 (2009) 2 SCC 55

2 (2000) 8 SCC 151

open for the Respondents to take the defence that there is a steering committee now in place.

(ARIF S. DOCTOR, J.)