



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

960 WRIT PETITION NO. 8603 OF 2025

M.S. WATERGRACE PRODUCTS THROUGH
ITS PROPRIETOR C.P. BORA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the petitioner : Mr. R.S. Kohli a/w Mr. Yogendra M. Koli i/b.
M/s. C.K. Legal, Advocates and Consultants h/f. Mr. Prashant P. Giri
AGP for the respondent – State : Mr. S.D. Ghayal
Advocate for respondents no. 2 and 3 : Mr. A.P. Bhandari
...

CORAM : **MANISH PITALE &
Y.G. KHOBRAGADE, JJ.**

DATE : **17 JULY 2025**

PER COURT :

Heard learned counsel for the petitioner.

2. Mr. Ghayal, learned AGP appeared on behalf of respondent no. 1 and Mr. Bhandari, learned counsel appeared on behalf of respondent nos. 2 and 3.

3. During the course of arguments, an objection was raised regarding maintainability of the writ petition since this is a contractual matter. Additionally, we find that clause 19 of the agreement executed between the petitioner and respondent nos. 2 and 3 contains a clause for Dispute Settlement, which indicates that all disputes shall first be taken for settlement to Secretary, Urban Development Department,

Government of Maharashtra for 'arbitration'. It is an admitted position that the petitioner has indeed invoked the aforesaid clause.

4. In that light, we are of the opinion that even if the petitioner has any grievance with regard to the action of respondent nos. 2 and 3, including issuing the impugned communication dated 16.06.2025, it can file an appropriate proceeding under section 9 of the Arbitration and Conciliation Act, 1996 (for short '**Act**'), for interim measures. Although respondent nos. 2 and 3 claim that the said clause is not an arbitration clause, such objection can be taken even in a proceeding that can be initiated under section 9 of the Act, for grant of interim measures.

5. In such a situation, the petitioner cannot be permitted to knock the doors of this Court under Article 226 of the Constitution of India. Hence, the writ petition is dismissed.

6. Needless to state that the petitioner is at liberty to institute appropriate proceedings for redressal of his grievance, including a proceeding under section 9 of the aforesaid Act, subject to just objections, that may be raised by the respondents.

[Y.G. KHOBRADE]
JUDGE

[MANISH PITALE]
JUDGE

arp/