



Meena

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.398 OF 2025

TABEER HOSPITALITY PVT. LTD, THR
ITS AUTHORISED SIGNATORY SURJIT
LAMBA

... PETITIONER

Versus

KAL-EL HOTELS AND RESORTS LLP THR
AUTHORISED SIGNATORY ACHIN KHANNA

... RESPONDENTS

WITH
WRIT PETITION NO.397 OF 2025

Mr. Shivraj Gaonkar, Advocate for the Petitioner in WP No.398/2025
and Respondent No.1 in WP No. 397/2025.

Mr. Parag Rao with Mr. Vibhav Amonkar, Mr. S. Singbal and Mr.
Raj Chodankar, Advocates for the Petitioner in WP No. 397/2025
and Respondent No.1 in WP No. 398/2025

Mr. Ameya Salatry, Advocate for Respondent No.2 in WP No.
398/2025.

CORAM:- VALMIKI MENEZES, J.

DATED :- 15th October, 2025

P.C.:

1. Registry to waive office objections and register the matters.

2. The learned Advocate submit that the Commercial Court at Panaji in
Civil Misc. Application No. 63/2025/A has passed an order on
08.10.2025 stating, in view of the fact that an Arbitral Tribunal has
been constituted, the application stands disposed of. The Petitioner in

Writ Petition No. 398/2025 would move an appropriate application under Section 17 before the Tribunal. In view of this observation, the application under Section 9 for an interim measure was disposed of by the Commercial Court.

3. In view of the fact that the Arbitral Tribunal is now appointed, the relief sought in Writ Petition No. 397/2025 would obviously not survive, since the Petitioner is now at liberty to seek reliefs sought in the application under Section 9 filed by the Petitioner in Writ Petition No.397/2025 before the Commercial Court at Mapusa (subject matter of challenge in this Petition) before the Arbitral Tribunal in terms of Section 17 of the Arbitration Act. In this view of the matter, the learned Counsel for the Petitioner in Writ Petition No.398/2025 seeks leave to withdraw this petition in view of the fact that the appropriate application would be moved by the Petitioner before the Arbitral Tribunal.

4. Similarly, the learned Counsel for the Petitioner in Writ Petition No.397/2025 seeks leave to withdraw the petition in the light of the fact that the application under Section 17 has already been moved before the Tribunal. Consequently, both Writ Petition Nos. 397/2025 and 398/2025 stands disposed of as withdrawn.

VALMIKI MENEZES, J.