

Jvs.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COMMERCIAL APPEAL NO. 59 OF 2024

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VISHWANATH
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**General Manager, Western Railway
& Ors.**

}
}

Appellant

Versus

N. P. Enterprise

}

Respondent

Mr. Sagar Patil h/f. Mr. Mayuresh Lagu for appellants.

Mr. Dhananjay B. Deshmukh with Mr. Snehil Rai for respondent.

**CORAM: ALOK ARADHE, CJ. &
BHARATI DANGRE, J.**

DATE: FEBRUARY 11, 2025

PC:

1. This Appeal under section 37 of the Arbitration and Conciliation Act, 1996 has been filed against an order dated 16th October 2023, by which the petition under section 9 of the Arbitration and Conciliation Act, 1996 has been allowed and the communications dated 20th June 2023 and 13th July 2023, by which the respondent was blacklisted, have been stayed.

2. Admittedly, during the pendency of the appeal, Arbitral Tribunal has been constituted. Learned counsel for the respondent submits that the Arbitral Tribunal, by an order dated 10th October 2024, has decided the application under section 17 of the Arbitration and Conciliation Act, 1996 and has granted stay to the communications dated 20th June 2023 and 13th July

2023. It has been further pointed out that being aggrieved, the appellants have file Arbitration Petition No. 32815 of 2024 before the learned Single Judge of this Court, which is pending.

3. The aforesaid submissions made by learned counsel for the respondent are placed on record.

4. In view of the aforesaid, by efflux of time, the issue involved in this appeal does not survive for consideration. Accordingly, the same is disposed of with liberty to the appellant to prosecute Arbitration Petition No. 32815 of 2024.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)