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IN THE HIGH COURT OF BOMBAY AT GOA
MISC.CIVIL APPLICATION NO.87 OF 2025

VIKING BEVERAGES PVT. LTD., REP.
THR. ITS AUT. SIGN., AJINKYA
SHETYE

... APPLICANT

Versus

JOSEPH SILVA

... RESPONDENT

Mr. Shivan Desai with Ms. Riya Amonkar, Advocates for the Applicant.

Ms. Seoula Vas (through V.C.), Advocate for the Respondent.

CORAM:- VALMIKI MENEZES, J.

DATED :- 17th February, 2026

P.C.:

1. I had heard the matter on 01.12.2025 and had reserved for orders. In the meantime, the Hon'ble Supreme Court in Jagdeep Chowgule V/s Sheela Chowgule and ors, reported in 2026 SCC OnLine SC 124, has set aside the Judgment of this Court dated 07.08.2024 in Sheela Chowgule V/s Vijay Chowgule in Writ Petition No. 88 of 2024 and taken a view that the application under Section 29A would not lie before the High Court or before the Court which appointed an Arbitrator under Section 11 of the Arbitration Act, but would lie to the Court with original civil jurisdiction, as defined under the Arbitration Act.

2. Considering the view taken by the Supreme Court in Jagdeep Chowgule (supra), this application would not lie before this Court. The application under Section 29A of the Arbitration Act arises from an Arbitral Proceedings where the value of the claim was Rs.2,39,24,753/-. As submitted by the Appellant, the Arbitral Proceedings are covered by the provisions of the Commercial Courts Act and is a Commercial Arbitration. Considering this position, the Court in which the application under Section 29A would have to be filed for extension of the mandate of the Arbitrator, would have to be the Commercial Court having territorial jurisdiction or based on subject matter of the Arbitral Proceedings, as in this case, the Commercial Court is at Margao, South Goa District, the Arbitrator appointed by this Court and the Arbitral Proceedings also have their bearing at Margao, South Goa

3. In view of the Judgment rendered by the Hon'ble Supreme Court in Jagdeep Chowgule (supra), the learned Advocate for the Applicant seeks to withdraw the present application with leave to present the same within a week from today before the appropriate Court. Consequently, the application stands dismissed as withdrawn with leave as prayed for.

4. Considering that the application under Section 29A of the Act had been filed in this Court prior to the expiry of the mandate, and in view of the Judgment now passed by the Supreme Court that such an

application shall be filed in the Court with the appropriate jurisdiction. I deem it appropriate to permit the Applicant to withdraw the present application with leave to file the same before the appropriate Court at Margao, provided it is filed by 27.02.2026. The Commercial Court shall consider the application as if filed prior to the expiry of the mandate of the Arbitrator.

VALMIKI MENEZES, J.