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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 47 OF 2026

POWER ENGINEERING (INDIA)
PVT. LTD., ALL REP. BY AND
THR. MANGESH DALVI AND 3 ORS ... Petitioners

Versus

VARALAKSHMI STARCH INDUSTRIES
(P) LIMITED AND 3 ORS ... Respondents

Mr. Venkatesh Ameya Nayak Salatry, Advocate for the
Petitioners.

Mr. Yogesh Nadkarni with Mr. Nilay Naik, Advocates for the
Respondents.

CORAM:- VALMIKI MENEZES, J.

DATED:- 29th JANUARY, 2026.

ORAL ORDER:

1. Registry to waive office objections and register the matter.
2. The Petitioners impugns order dated 29.05.2023 passed on Exhibit 37 (an application filed by the Plaintiffs to close the application under Section 8 of the Arbitration Act); the impugned order has been passed by the Court of Civil Judge Senior Division at Mapusa in Commercial Suit No. 4/2020.

3. From the record, it appears that the Defendants had invoked Clause (14) of the Agreements dated 19.08.2019, between the Plaintiffs and the Defendants and filed a proceeding under Section 11 of the Arbitration Act, before the Madras High Court. That application came to be dismissed by the Madras High Court on two grounds, first being a ground of limitation and the second being that the application was not maintainable for want of invocation of the Arbitral Clause, since no notice had been issued under Section 21 of the Arbitration Act. In the meantime, the Plaintiffs filed the aforementioned suit, in which the Defendants filed an application under Section 8 of the Arbitration Act, claiming that the Court had to refer the parties to Arbitration, since the claim in the suit was founded upon a contract which includes the Arbitral Clause (14) therein. This application is pending since December, 2014.

4. The Plaintiffs then filed an application at Exhibit 37, requesting the Court to close the application under Section 8 of the Arbitration Act filed by the Defendants and to proceed with the trial in the suit. It is this application that is dismissed by the impugned order.

5. On perusal of the impugned order, I can find no infirmity therein, either legal or otherwise. The application was obviously not maintainable, as the Court was required to hear

and pass an order on the application under Section 8 of the Arbitration Act. Such an application filed at Exhibit 37 ought not have been entertained in the first place and would be rendered infructuous, if the Trial Court has decided the application under Section 8 of the Arbitration Act, which is pending since December, 2014. The decision on the application under Section 8 decides, whether the suit remains with the Civil Court, or the disputes raised therein would be decided by the Arbitrator. Consequently, this petition is dismissed as having no substance.

6. Considering that the application under Section 8 of the Arbitration Act, is pending since 2014, the learned Civil Judge Senior Division at Mapusa is directed to dispose of this application preferably by 31.03.2026. Since the next date of the suit is now on 11.02.2026, the parties shall cooperate with the Civil Court in having a speedy disposal of the application under Section 8 of the Arbitration Act by 31.03.2026.

7. The petition is dismissed with the above directions. No costs.

VALMIKI MENEZES, J.