

CNR No.MHAH010034872020.

Order Below Exh.5 in Arbitration Application No.5/2020.

1. Heard Ld. Advocate Shri.K.M.Deshpande for the petitioner. He submitted that, interim protection may granted to the applicant, till decision on exh.5 or till further orders. He specifically submitted that, directions may issued to opponent/board that they may not take any coercive action against the applicant, till the decision of this application.

2. Ld. DGP Shri.Patil submitted that, today the opponent has filed say on this application. He will argue the matter on 14.09.2020. An officer of opponent Board Shri.Patskar is also present. Ld. DGP and officer of the concerned Board fairly submitted that they will not going to deposit the cheques issued by the applicant/petitioner.

3. Considering the dispute between the parties and submissions made on behalf of the parties, it would be legal and proper to give directions to opponent not to deposit the cheques issued by the applicant to them.

4. So far as request made by Ld. Advocate for the petitioner to issue the directions to opponent not to take any coercive action against the petitioner is concerned, actually what is coercive action which would the opponent may take is required to be decided after hearing the parties on merits only. Because the action which opponent wants to initiate or take may be lawful in the eyes of the opponent, but the same would be coercive in the eyes of petitioner. Hence, I am of the view that,

at this interim stage and without giving an opportunity of hearing the parties on merits, the directions cannot be issued against the opponent. Hence, the order :-

O R D E R

1. Opponents are directed not to deposit the cheques issued by the petitioner to them, till next date, i.e., on 14.09.2020.
2. A prayer made by Ld. Advocate for the petitioner to issue directions restraining the opponent from taking any coercive step against the petitioner will be decided later on.

Date : 11.09.2020.
Ahmednagar.

(N.L.Kale)
I/C District Judge-3,
.Ahmednagar