

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 10204 of 2020**=====
AXIS BANK LTD.

Versus

THE BOARD OF TRUSTEES OF DEENDAYAL PORT TRUST
=====

Appearance:

MR MIHIR THAKORE, SR. ADVOCATE with MR TARAK DAMANI(6089)

for the Petitioner(s) No. 1,2

for the Respondent(s) No. 1,2,3
=====**CORAM: HONOURABLE MR. JUSTICE A.J.DESAI****Date : 01/09/2020****ORAL ORDER**

Heard learned Senior Advocate Mr. Mihir Thakore assisted by Mr. Tarak Damani, learned advocate appearing on behalf of the petitioners.

Though the Registry has received draft amendment, however it appears that the documents annexed to the draft amendment are not placed in the present file. Learned advocate Mr. Damani appearing for the petitioners states that again draft amendment alongwith all the annexures shall be send to the Registry of this Court. Draft amendment is allowed and to be carried out accordingly.

I have heard learned Senior Advocate Mr. Thakore assisted by learned advocate Mr. Damani appearing for the petitioners. Perused the order dated 10.01.2017 passed by the coordinate Bench of this Court in Special Civil Application No.11152/2016 by which this Court has directed the lower Appellate Court to expedite the hearing of Civil Misc. Appeal No.44/2015 in which an interim order is challenged at the instance of the present petitioners. By

the said order the appellate Court was directed to decide the said appeal within a period of six months, however as per the submission of learned Senior Advocate Mr. Thakore, till date the appeal is not finally decided.

He would further submit that meanwhile an application has been submitted by respondent No.1 on 21.01.2020 before the learned Arbitral Tribunal making various prayers. He further states that the said application is not yet decided, however learned Arbitral Tribunal may proceed with the said application. He would submit that unless the earlier order is not complied with, the learned Arbitral Tribunal be requested not to proceed with the said application.

Prima facie, I am convinced with the submissions made by learned Counsel Mr. Thakore appearing for the petitioners. Hence, issue **NOTICE** making it returnable on **05.10.2020**.

Till then, the learned Arbitral Tribunal is hereby requested not to proceed with the application dated 21.01.2020 filed by the respondent No.1 herein.

(A.J.DESAI, J)

DIPTI PATEL