



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 ARBITRATION APPEAL NO. 18 OF 2010

THE EXECUTIVE DIRECTOR GODAWARI MARATHWADA IRRIGATION
DEVELOPMENT CORPORATION AURANGABAD
VERSUS
M/S AGRAWAL AND HAWALE AND ORS

Mr. B. R. Surwase, Advocate for the appellant
Mr. P. K. Lakhotiya a/w R. R. Chandak, Advocate for respondent Nos.1
and 2.

CORAM : R. M. JOSHI, J.
DATE : 5th MARCH, 2025

PER COURT :-

1. After hearing learned counsel for both sides for some and after going through the facts, *prima facie* this Court finds that the Arbitrator was appointed on 29/07/1993. Statement of claim was filed on 04/10/1995. It is on account of inability shown by the Arbitrator to conduct the Arbitration proceeding, this Court has substituted the Arbitrator by appointing present Arbitrator. Thus, apparently the provisions of Arbitration Act 1940 applies to the present case. The record further indicates that an application was filed under Section 34 of the Act Arbitration Act, 1996 before the District Court so also the present appeal is filed under Section 37 of the Act thereof. A specific query is raised to the learned counsel for the appellant to satisfy this Court as to how an application under Section 34 of Arbitration Act, 1996 and Section 37

appeal under the same Act is maintainable.

2. Stand over to 12th March, 2025. This appeal is part heard.

(R. M. JOSHI, J.)

ssp