

**IN THE HIGH COURT OF BOMBAY AT GOA****LD-VC-CW-129-2020**

1. Risara Hotels LLP,  
A limited liability partnership,  
having limited liability partnership,  
identification No. (LLPIN AAJ-6670,  
duly incorporated on 04.07.2017,  
represented by its designated  
partner, Mr. Gaurang Manguesh  
Suctancar,  
having designated partnership  
identification No. (DPIN  
02403696), residing at Plot no.12,  
Sagar Society, Dona Paula,  
Tiswadi, Goa 403004.

2. Gaurang Mangesh Suctancar,  
son of Mangesh Sadanand  
Suctancar, 47 years old, Indian  
National, married, businessman,  
presently residing at Plot no.12,  
Sagar Society, Dona Paula,  
Tiswadi, Goa 403 004.

..... Petitioners

V e r s u s

1. Sonia Gaurang Suctancar,  
daughter of Uday Anant Kamat,  
43 years old, housewife,  
Indian National, married, resident of  
21/UG1, Kamat Kinara,  
Caranzalem, Tiswadi, 403002.

..... Respondent

**LD-VC-CW-130-2020**

1. Risara Properties LLP,  
A Limited Liability partnership,  
having limited liability partnership,  
identification No. (LLPIN AAK-5549),  
duly incorporated on 11.09.2017,  
represented by its designated

partner, Mr. Gaurang Mangesh Suctancar,  
 having designated partnership identification No. (DPIN 02403696), residing at Plot no.12, Sagar Society, Dona Paula, Tiswadi, Goa 403 004.

2. Gaurang Mangesh Suctancar, son of Mangesh Sadanand Suctancar, 47 years old, Indian National, married, businessman, presently residing at Plot no.12, Sagar Society, Dona Paula, Tiswadi, Goa 403 004.

..... Petitioners

V e r s u s

1. Sonia Gaurang Suctancar, daughter of Uday Anant Kamat, 43 years old, housewife, Indian National, married, resident of 21/UG1, Kamat Kinara, Caranzalem, Tiswadi, 403002.

..... Respondent

Mr. Parag Rao, Advocate for the Petitioners.

Mrs. A. Agni, Senior Advocate with Adv. Ms. J. Sawaikar for the Respondent.

**CORAM: DAMA SESHADRI NAIDU, J.**  
**DATE: 18<sup>th</sup> August 2020.**

**ORDER:**

The first petitioner is the partnership firm, and the second petitioner its designated partner. The respondent is the other partner. Incidentally, the second petitioner and the sole respondent are the husband and wife. Earlier, the petitioners filed three applications under section 9 of the Arbitration

and Conciliation Act 1996, before the designed Commercial Court: Court "A" at Panaji, North Goa. Through its order, dated 8/7/2020, the Commercial Court refused to entertain those applications. It was on the grounds that it has no jurisdiction. Aggrieved, the second petitioner filed Writ Petition LD-VC-CW No.88/2020 before this Court.

2. But the petitioners confined the challenge to the rejection in one application. This Court, through Judgment dated 20/7/2020, held that the Commercial Court does have jurisdiction.

3. In the wake of the Judgment, dated 20/7/2020, the second petitioner represented the other two applications. It was despite their earlier rejection on 8/7/2020. He wanted the Commercial Court to recall its orders and entertain the petitions. But with the respondent's objection, the Commercial Court has concluded that it could not recall the orders in matters already disposed of. Thus, the petitioners have filed these two petitions.

4. Heard Shri Parag Rao, the learned counsel for the petitioners, and Ms. Agni, the learned Senior Counsel for the respondent.

5. In response to the submissions made by the petitioners' counsel, the learned Senior Counsel for the respondent has fairly submitted that this Court has already ruled on the issue involved in these two writ petitions. So she does not expect the Court to contradict itself with any fresh arguments from the counsel on an identical question between the same parties. But a

validly passed judicial order, according to Ms. Agni, should be set at naught only through validly instituted legal proceedings.

6. At any rate, the learned Senior Counsel has submitted that the respondents have raised a few other pleas before the Commercial Court about the second petitioner's locus and so on, in section 9 petition. She wants those pleas preserved.

7. Under these circumstances, I hold that this Court even on earlier occasion, when it rendered the judgment on 20 July 2020, did not refer to the merits of the matter. It has only held that the court in question is the Commercial Court and it has the jurisdiction to decide the petitioners' application under section 9 of the Act.

8. Reiterating the same view and applying the same principles, I dispose of these writ petitions. On the merits—barring the jurisdictional question—both parties have all their contentions intact.

As a result, I set aside the orders, dt.08.07.2020, passed by the Commercial Court, which will, now, restore the matters to file and adjudicate them on the merits.

**DAMA SESHADRI NAIDU, J.**

**AP/-**