

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

ARBITRATION APPEAL NO. 26 OF 2014

The Executive Engineer

.. Appellant
(Orig. Applicant)

Vs.

B.T. Patil & Sons, Belgaum
(Const.) Pvt. Ltd. & Anr.

.. Respondents

None for the Appellant.

Mr. Mandar Soman for Respondent No.1.

**CORAM : A.A. SAYED, J.
DATED : 11 MARCH 2015**

P.C.

1) This matter is shown on the board under caption 'speaking to minutes'. It is pointed out that in the appearances, in the order dated 27 February 2015, the name of Dr. Virendra Tulzapurkar, Senior Counsel, has been wrongly shown as appearing for the Appellant.

2) Let the appearances in the order dated 27 February 2015 be substituted as follows :-

“ Mr. V.S. Tadake i/b Mr. D.D. Shinde for the Appellant.

Dr. Virendra Tulzapurkar, Senior Counsel with Mr. Sakhardande i/b Mr. Mandar Soman for Respondent No.1.”

3) Registry to correct the order accordingly.

(A.A. SAYED, J.)

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The Executive Engineer	...	...Appellant
v/s.		
B.T.Patil & Sons, Belgaum (Const.)		
Pvt.Ltd. & anr.		...Respondents

...

Mr.V.S.Tadake i/b Mr.D.D.Shinde for the Appellant.
 Dr.Virendra Tulzapurkar, Sr.Counsel with Mr.Sakhardande i/b Mr.Mandar Soman for Respondent No.1.

...

CORAM : A.A. SAYED, J.
DATED : 27 FEBRUARY 2015

P.C.

The order impugned in this Arbitration Appeal is an order dated 24 April 2013 passed by the Ad-hoc District Judge-1, Satara in Applications under section 9 of Arbitration & Conciliation Act, 1996 filed in proceedings under section 34 of the said Act. The operative part of the impugned order reads as under:

“O R D E R

1. Applications are allowed.
2. The applicant shall deposit an amount of Rs.17,38,66,413/- (wherein interest upto 31st March 2013 is inclusive) within 15 days.

3. The applicant shall furnish Bank Guarantee of like amount within 15 days before applying release of above amount.”

2. After hearing the matter for some time and upon indicating to the learned Senior Counsel for the Petitioner that the Arbitration Application under section 34 of the Arbitration & Conciliation Act, 1996 for setting aside the impugned Award itself can be expedited, the learned Senior Counsel for the Respondents, after taking instructions, makes a statement that the Respondent No.1 is withdrawing the Applications under section 9 of the Arbitration & Conciliation Act which were filed before the Ad-hoc District Judge-1, Satara. In these circumstances, the impugned order dated 24-04-2013 which is passed on the Applications would not survive. Consequently, the present Appeal is also rendered infructuous.

3. The Ad-hoc District Judge-1, Satara shall decide the Civil Arbitration Application No.3 of 2011 under section 34 of the Arbitration & Conciliation Act, 1996 not later than 30 April 2015.

4. The Arbitration Appeal is disposed of as infructuous.

(A.A. SAYED, J.)

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