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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION (LODGING) NO.482 OF 2015

Johann M.K. Blumenthal GmbH & Co. K.G.	...Petitioner
V/s.	
The Shipping Corporation of India Ltd. & Ors.	...Respondents

Mr.Ashwin Shankar for the Petitioner.

Mr.Amitaya Majmudar and Mr.Shivkumar Iyer and Ms.Parvathy K. i/b.
Bose & Mitra for Respondent No.1.

CORAM : R.D. DHANUKA, J.
DATE : 3RD JULY, 2015.

P.C. :-

1. By this petition filed under section 48 of the Arbitration & Conciliation Act, 1996 (for short "the Arbitration Act"), the petitioner seeks an order and direction that the arbitration award dated 2nd December, 2014 be enforced as a decree of this Court against the second and third respondents and for further reliefs. None appeared for respondent nos.2 and 3 though served.

2. On 30th November, 2006, the petitioner entered into an agreement with one Jiangsu Rongsheng Heavy Industries Group Co. Ltd. By a Novation agreement dated 14th November, 2011, the said agreement with Jiangsu Rongsheng Heavy Industries Group Co. Ltd. was replaced by the second respondent. On 15th February, 2008 an

addendum was issued adding the third respondent as party to the ship building agreement. Disputes and differences between the petitioner, respondent no.2 and respondent no.3 arose. In accordance with the arbitration agreement, the dispute was referred to the arbitral tribunal. On 2nd December, 2014, the arbitral tribunal has made a final award and has held that the petitioner is entitled for reimbursement of the installments in the total amount of US\$ 36,675,000 with interest and various other amounts. Learned counsel appearing for the petitioner states that respondent nos.2 and 3 have not impugned the said final award and the same has attained finality.

3. It is the case of the petitioner that respondent nos.2 and 3 are entitled to recover certain amount from respondent no.1 and thus has filed this petition within the territorial jurisdiction of this Court.

4. I have perused the arbitration petition and the annexures thereto.

5. The petitioner has annexed an affidavit dated 16th March, 2015 of Henry Page, the partner and solicitor in India under laws of which order has been passed in support of the nature of the foreign award and finality of the award. The said affidavit is in compliance with section 47(1) of the Arbitration & Conciliation Act, 1996 and Rule 803C(e)(i), (iii) and (iv) of the Bombay High Court (Original) Rule, 1980. Learned counsel tenders original of the said affidavit which is

taken on record.

6. Learned counsel for the petitioner has produced certified true copies of the agreements entered into between the petitioner, respondent no.2 and respondent no.3 for perusal of this Court duly notarized. Learned counsel for the petitioner also produced certified copy of the award for perusal of this Court. After perusing the certified copies of the contract and award, the same are returned to the learned counsel for the petitioner. In my view, the petitioner has filed the present petition in compliance with the provisions of Arbitration & Conciliation Act, 1996 and Rule 803C(e)(i), (iii) and (iv) of the Bombay High Court (Original) Rule, 1980. The averments made in the petition are deemed to have been admitted.

7. I, pass the following order :-

a). The arbitration petition is made absolute in terms of prayer clause (a). No order as costs.

b). Insofar as the interim reliefs sought in the petition is concerned, the petitioner has already filed Notice of Motion (Lodging) No.829 of 2015 in the present petition for interim reliefs. Respondent no.1 has already made a statement before this Court on 20th March, 2015. Interim reliefs would be considered in the said notice of motion.

(R.D. DHANUKA, J.)