

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION (L) NO. 1024 OF 2015

M/s. Comfort Securities Limited ... Applicant

Versus

M/s. Jhelum Infra Projects India Pvt. Ltd. & Ors. .. Respondents

ALONG WITH

ARBITRATION PETITION (L) NO. 1025 OF 2015

M/s. Comfort Securities Limited ... Petitioner

Versus

M/s. Jhelum Infra Projects India Pvt. Ltd. & Ors. ... Respondents

Mr. Anand Mishra i/b. Mr. A.M. Saraogi for the Applicant & Petitioner in the above Application as well as Petition.

Mr. Kishor M. Jawle for Respondent No. 1.

Ms. Sunita Rawat i/b. O.A. Das for Respondent No. 2.

CORAM : S.J. KATHAWALLA, J.

DATED : 24TH JULY, 2015

P.C.:

1. Heard the learned Advocates appearing for the parties and the following order is passed :

i. Out of the amount of Rs.4,25,00,000/- deposited by Bank of India, Jammu, an amount of Rs.3,60,14,500/- shall be handed over by the Prothonotary and Senior Master to the Applicant / Petitioner within two weeks from the date of this order.

ii. The Prothonotary and Senior Master of this Court shall retain an amount of Rs.64,85,500/-.

- iii. Mr. Cyrus Ardhesir, Advocate is appointed as Arbitrator to decide the issue / dispute between the parties as to whether the Applicant / Petitioner is entitled to claim any interest on the amount paid towards mobilization advance.
- iv. The cost of arbitration shall initially be borne by the parties equally.
- v. All contentions of the parties are kept open.
- vi. The venue of Arbitration shall be at Mumbai.
- vii. The amount of Rs. 64,85,500/- retained by the Prothonotary and Senior shall be disbursed as per the directions given in the Award.
- viii. Parties agree that no reasons be given in support of the above order.
- ix. The above Arbitration Application as well as Petition are accordingly disposed of.

(S.J. KATHAWALLA, J.)