

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

COMPANY PETITION NO.239 OF 2014

Nitin Fire Protection Industries Limited	Petitioner
Versus	
Emerson Network (India) Pvt. Ltd.	Respondent

Mr. Rohan Cama with Ms. Manik Joshi, Ms. Pragya Khaitan i/by M/s. Crawford Bayley and Co., for Petitioner.
Mr. Jai Chhabria with Ms. Prerna Arora i/by M/s. J. Sagar Associates, for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATED: 16th February, 2015

PC.

1. Heard the learned Advocates for the parties and by consent, the following order is passed :

(i) The learned Advocate for the Company admits that an amount of Rs.14,61,800/- is due and payable to the Petitioner by the Company. However, the Company has a Counter Claim against the Petitioner which is the subject matter of arbitration proceedings.

(ii) The Company undertakes to deposit within a period of two weeks from the date of this order, an amount of Rs.14,61,800/- with the Prothonotary and Senior Master of this Court, who shall deposit the said amount in a fixed deposit of a Nationalized Bank initially for a period of one year and thereafter, renew the same from time to time after seeking directions

from this Court.

(iii) The amount of Rs.14,61,800/- so deposited with the Prothonotary and Senior Master shall be disbursed as per the final outcome in the arbitration proceedings as set out in the order dated 16-02-2015 in Arbitration Application No.21 of 2015.

(iv) It is clarified that the subject matter of the above Company Petition is not in issue before the learned Arbitrator appointed in the Arbitration Application No.21 of 2015.

(v) The above Company Petition is accordingly disposed of.

(S.J.KATHAWALLA, J.)