

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION APPEAL NO. 14 OF 2016

Sinew Developers Pvt.Ltd.

..... Appellant

VERSUS

POSCO E&C India Pvt. Ltd.

..... Respondent

Mr.Karl Tamboley, a/w. Ms.Mansi Patel, i/b.Udwadia & Co. for the Appellant.

Mr.Ajit Warriar, a/w. Mr.Sandeep Grover, Mr.Umang Singh, Mr.Akash Menon, i/b. Ameya Gokhale for the Respondent.

CORAM : R.D. DHANUKA, J.

DATE : 1st JULY, 2016

P.C.

Learned counsel for the parties agree that no reasons be recorded by this court while disposing off this appeal.

2. Without prejudice to the rights and contentions of both the parties and by consent of parties, following order is passed :-

3. The impugned order passed by the learned District Judge, Pune dated 11th May, 2016 is substituted as under :-

(a) The appellant shall allow the respondent to take delivery such equipments and machineries and system forms which are described in Annexure A-5 to Ex.43 which was filed before the learned District Judge which are already dismantled and are lying at site at their own cost.

(b) Insofar the other final reliefs claimed in the application filed under section 9 which is pending before the learned District Judge are concerned, the learned District Judge shall

make an endeavour to dispose off the said application within eight weeks from today. It is made clear that the learned District Judge shall decide the said application in accordance with the law without being influenced by the observations made and conclusion drawn in the impugned order which is subject matter of this appeal. It is made clear that contentions of both the parties are kept open.

(c) The appellant herein is also granted liberty to apply for interim measures before the learned Judge by filing a separate application under section 9 of the Arbitration and Conciliation Act, 1996. If any such application is filed by the appellant within two weeks from today, the said application also shall be decided by the learned Judge alongwith the application filed by the respondent on its own merits and in accordance with law.

(d) It is made clear that even if the respondent seeks to apply for any further interim measures before the learned District Judge under section 9, the respondent also may apply for such reliefs which can be considered by the learned District Judge on its own merits.

(e) It is made clear that this court has not expressed any views on the merits of the matter.

4. Appeal is disposed of in the aforesaid terms. No order as to costs.

5. In view of disposal of the appeal, Civil Application does not survive and is accordingly disposed of. No order as to costs.

[R.D. DHANUKA, J.]