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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARBITRATION APPEAL NO.39 OF 2015

WITH
CIVIL APPLICATION NO.44 OF 2015
IN
ARBITRATION APPEAL NO.39 OF 2015

M/s.ABB India Limited	...Appellant
V/s.	
M/s.Victor Switchgear Pvt. Ltd.	...Respondent

Mr.Nikhil Sakhardande i/b Ms.Leena Patil for the Appellant.

Ms.Shriya Jadhav i/b Mr.S.B. Shetye for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 15TH APRIL, 2016.

P.C. :-

1. By this appeal filed under section 37 of the Arbitration & Conciliation Act, 1996 (for short "the said Act"), the appellant has impugned the order dated 24th June, 2015 passed by the learned Principal District Judge, Nashik, dismissing the application (Exhibit-6) filed by the appellant seeking waiver of deposit of the awarded sum under the provisions of the Micro, Small and Medium Development Enterprises Act, 2006. Mr.Sakhardande, learned counsel for the appellant does not dispute that his client is required to deposit 75% of

the awarded sum in the Court as a condition precedent for entertaining the arbitration petition filed under section 34 of the said Act. He however, submits that the award of interest by the learned arbitrator which was the subject matter of the said Arbitration Case No.4 of 2015 was totally exorbitant and contrary to law. He submits that the matter thus shall be remanded back by this Court.

2. In my view, since the deposit of 75% of the amount is mandatory under section 19 of the Micro, Small and Medium Enterprises Development Act, 2006, the matter cannot be remanded back to the learned Principal District Judge for adjudicating upon the issue of interest alleged to have been awarded by the learned arbitrator contrary to law unless deposit of 75% of the awarded sum is first made by the appellant as a condition precedent under section 19 of the Act of 2006. The appeal is devoid of merits and is accordingly dismissed. No order as to costs.

3. In view of dismissal of the appeal, the civil application does not survive and is accordingly dismissed. No order as to costs.

(R.D. DHANUKA, J.)