

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.14 OF 2016
IN
ARBITRATION APPEAL NO.18 OF 2013**

M/s.Ashoka Buildcon Ltd. .. Applicant

In the matter between

National Highways Authority of India .. Appellant

Vs.

M/s.Ashoka Buildcon Ltd. .. Respondent

Mr.Anirudha Garge for the applicant/original respondent.

Dr.Abhinav Chandrachud a/w Ms.Prachi Sawant i/by M/s.M.V. Kini &
Co. for the original appellant.

CORAM : R.D. DHANUKA, J.

DATE : 27th April 2016

P.C.

. By this civil application, the applicant seeks direction against the original appellant to deposit entire decretal amount with interest as per the order dated 1st April 2013 passed by this Court at Exhibit-B and in the event of the failure on the part of the appellant, to vacate the interim relief granted by this Court vide order dated 1st April 2013. It is the case of the applicant that the original appellant had not deposited the entire decretal amount and thus the conditional stay granted by this Court shall stand vacated.

2. Learned counsel appearing for the original appellant, on the other hand, invited my attention to the order dated 8th May 2014 passed by Shri Justice S.C. Gupte in Civil Application No.46 of 2013 and in particular paragraph 4 thereof and would submit that both the parties

through their learned counsel had made a statement before this Court that the issue as to whether the learned arbitrator had awarded compound interest or not shall be determined by this Court at the hearing of the appeal and no final decision will be taken on that issue at this stage. He submits that in view of the statement made by both the parties before this Court, no order of further deposit can be made by this Court in this civil application.

3. In my view, in view of the statement made by both the parties before this Court when the Civil Application No.46 of 2013 was heard by this Court on 8th May 2014 as recorded in paragraph 4 in the order passed by this Court, this issue can be heard finally at the time of hearing of the Arbitration Appeal No.18 of 2013. No order as prayed by the applicant in this civil application thus is passed at this stage.

4. Civil application is disposed of in aforesaid terms with clarification issued by this Court as aforesaid and also in view of the clarification issued by this Court in the order dated 8th May 2014 in Civil Application No.46 of 2013. No order as to costs.

R.D. DHANUKA, J.