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

NOTICE OF MOTION NO.1388 OF 2016
IN
APPEAL NO. 369 OF 2016

M/s Interocean Shipping (India) Pvt.Ltd.	..Applicant
Vs.	
Oil And Natural Gas Corporation Ltd.	..Respondent

Mr. Javed Gaya a/w Rehmat Lokhandwala i/b Chambers of Javed Gaya for
the Applicant.

Mr. Pankaj Sawant, Senior Advocate a/w O. Mohandas i/b Little & Co., for
Respondent.

CORAM: ANOOP V. MOHTA AND
A.S. GADKARI, JJ.

DATE: 7 JUNE 2016

ORDER:

1 The Notice of Motion bearing No.1388 of 2016 is taken out
for stay pending appeal admission under Section 37 of the Arbitration And
Conciliation Act whereby the Appellant has challenged the Order dated 30
March 2015 passed by the learned Single Judge under Section 34 of the
Arbitration Act.

2 The grounds so raised through the affidavit in paragraph-3 cannot be the reason to stay the reasoned Judgment in question. The paragraph-3 reproduced herein:

“3 I say and submit that a Stay Order on the Impugned Judgment by His Lordship Justice A.A. Sayed dated 13th March is necessary as it deals in one Judgment with a common issue which affects outcome of the other Arbitration Petition (i.e. Arbitration Petition No.549 of 2013 which has filed in the Bombay High Court between the same parties with respect to the other five vessels, the common award is the subject matter of challenge under Section 34 of the Arbitration and Conciliation Act, 1996. The Arbitration Petition No.549 of 2013 also includes the finding that the cost of such repairs is to be borne by the Respondent herein which if the Impugned Judgment is not stayed, the award will be set aside.”

This is also in the background that the learned Arbitrator had granted the claim in favour of the Appellant. However, the learned Judge has interfered with the award and rejected the claims. The Appeal is therefore filed against such Order. Even otherwise there is no question for stay to the order/proceeding on the ground so raised merely because other similarly situated matters arising out of the same parties filed for the same relief, are also coming for final hearing. Even considering the scope and

purpose of the Arbitration And Conciliation Act (Amended Act) including Section 37 and Section 36(4), no case is made out for stay of the Judgment of this Court for the reasons recorded above. Therefore, the Notice of Motion is rejected. No costs.

(A.S. GADKARI,J.)

(ANOOP V. MOHTA, J.)