

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
NOTICE OF MOTION (L) NO. 71 OF 2017
IN
ARBITRATION PETITION (L) NO. 3 OF 2017**

Nirav CHS Ltd	... Petitioner
<i>Versus</i>	
Shabbir H Chunawala & Anr	... Respondents

Mr Vikhil Dhoka, *i/b Solicis Lex for the Petitioner.*
Mr SB Prabhavalkar, *for the Respondents No. 1 and Applicant in NMS.*

CORAM: G.S. PATEL, J
DATED: 28th February 2017

PC:-

1. The 1st Respondent Mr Shabbir H Chunawala has filed this Notice of Motion seeking a modification of my order of 11th January 2017 to a limited extent. The Notice of Motion was unnecessary. I would have considered this application even if it was made orally across the Bar. The reason is straightforward. On 11th January 2017, I noted Mr Prabhavalkar's statement on behalf of the 1st Respondent that the 1st Respondent would deposit an amount of Rs.77 lakhs within a month. It is of this order that a modification is sought to the following extent: that an amount of Rs.43,50,000/- be

allowed to be deposited by 24th February 2017 (a copy of a pay order in that amount is annexed to the Affidavit in Support) and the remaining Rs.33,50,000/- be allowed to be deposited on or before 5th March 2017. I think this is eminently reasonable and there is no reason to disallow it. In fact, Mr Prabhavalkar has today a demand draft in favour of the Prothonotary and Senior Master in the amount of Rs.43,50,000/-, which he says he will deposit with the Prothonotary and Senior Master in the course of the day. The statement is accepted. Time to deposit the remaining Rs. 33,50,000/- is extended till 7th March 2017.

2. The Notice of Motion is disposed of in these terms. The previous order to continue.

3. List the Petition on 8th March 2017 on the supplementary board.

(G. S. PATEL, J.)