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

NOTICE OF MOTION No. 147 OF 2017
IN
COMMERCIAL ARBITRATION PETITION No. 147 OF 2017

Mahanagar Telephone Nigam Limited ...Applicant/Petitioner
Vs.
M/s. M.S. Enterprises ...Respondent

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Mr. Niranjan Shimpi for Applicant/ Original Petitioner
Mr. Reshant Shah i/b. Lex Conseiller for Respondent
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CORAM : M.S. SANKLECHA, J.
WEDNESDAY,8TH NOVEMBER, 2017

P.C.

1. This notice of motion has been taken out in a pending arbitration petition. The arbitration petition challenges the arbitral award dated 30th November, 2016 passed by the Sole Arbitrator under Section 34 of the Arbitration and Conciliation Act, 1996 (the Act). The arbitration petition was admitted on 1st July, 2017.

2. The present application has been taken out by the Petitioner seeking a stay of the impugned award dated 30th November, 2016 passed by the Sole Arbitrator. It is agreed position between the parties that the amount payable by the Applicant to the Respondent under the award is of Rs.99,71,152/- (inclusive of interest upto the date of the award).

3. Mr. Shimpi, learned counsel appearing for the Petitioner, on instructions,

states that the Petitioner would deposit a sum of Rs.1 crore in this Court within a period of nine weeks from today. On the condition of the Petitioner depositing the amount of Rs. 1 crore within a period of nine weeks, there would be a stay of the impugned award 30th November, 2016.

4. Upon Petitioner depositing the amount of Rs.1 crore with the Prothonotary and Senior Master of this Court, the Respondent would be entitled to withdraw the same on furnishing a bank guarantee of the Nationalized Bank along with an undertaking of the Respondent Company to bring to Court the entire amount of Rs.1 crore along with such rate of interest as determined at the time of final hearing of the petition. Both the bank guarantee and the undertaking shall be to the satisfaction of the Prothonotary and Senior Master. In case the Petitioner does not seek to withdraw the amount or does not comply with the aforesaid requirements within a period of eight weeks from the communication of the deposit, the Prothonotary and Senior Master is directed to invest the amount of Rs. 1 crore in fixed deposit of a Nationalized Bank and keep it alive till the disposal of the petition. The accrual of interest on the said fixed deposit is for the benefit of the successful litigant.

5. Notice of motion is disposed of in the aforesaid terms.

[M. S. SANKLECHA, J.]