

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO.162 OF 2017
IN
COMPANY PETITION NO.462 OF 2013

IPS Mehtalia Pvt. Ltd.	...Applicant.
In the matter between	
Balwant Mehtalia.	...Petitioner.
vs.	
IPS Mehtalia Pvt. Ltd.	...Respondent.

Mr. R. Jagani i/by DSK Legal for the Applicant.
Mr. Arvind Shrivastava with Ms. Nisha Shah i/by Kamlesh Joshi for
the original petitioner.

CORAM : A.S.GADKARI, J.
DATE : 07th July, 2017

P.C.

1. This is an application of the original respondent seeking refund of amount of Rs.85.00 lakhs deposited with the Prothonotary and Senior Master of this Court. The record indicates that in pursuance of the order dated 18.2.2014 the respondent furnished the said bank guarantee of Rs.85.00 lacs with the office of the Prothonotary and Senior Master of this Court and the same has been encashed. The copy of the said bank guarantee has been annexed to the application. The learned counsel for the applicant submitted that, the arbitration proceedings have come to an end and the

learned Arbitrator has already passed an award in that matter. The learned counsel appearing for the respondent/original petitioner has no objection for refund the said amount of Rs.85.00 lakhs and concedes to the fact mentioned herein.

2. In view of the above and in view of the facts mentioned in the affidavit in support of the company application, the application is allowed in terms of prayer clause (a).

3. The Prothonotary and Senior Master of this Court is hereby directed to refund the said amount of Rs.85.00 lakhs without interest to the applicant within a period of 4-weeks from today.

4. All the concerned to act on the authenticated copy of this order.

(A.S. GADKARI, J.)