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

COMPANY PETITION NO.9 OF 2015

Paras Shantilal Porwal	...Petitioner
V/s.	
Blue Lotus Jewellery Pvt. Ltd.	...Respondent

WITH
COMPANY PETITION NO.10 OF 2015

Jyotindra Realtors Pvt. Ltd.	...Petitioner
V/s.	
Blue Lotus Jewellery Pvt. Ltd.	...Respondent

WITH
COMPANY PETITION NO.27 OF 2015

Mrs.Manju Paras Porwal	...Petitioner
V/s.	
Blue Lotus Jewellery Pvt. Ltd.	...Respondent

Mr.Jaideep Mitra with Mr.Amol A. Chile i/b Mr.Ajit N. Jakhadi for the Petitioners.

Mr.Abhay Khandeparkar i/b Mr.Kedar Wagle & Shantanu Chandratre for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 24TH FEBRUARY, 2017.

P.C. :-

1. By consent of the petitioner and the respondent through the Director, who are present in Court, the following order is passed :-

a). The petitioners in aforesaid three company petitions are allowed to withdraw the sum of Rs.45,22,730/-, Rs.80,66,107/- and Rs.2,04,86,617/- which are lying deposited by the defendants in Suit No.2440 of 2012 filed by the plaintiffs and others in this Court unconditionally. It is however, made clear that the amounts allowed to be withdrawn by the petitioners shall be adjusted against the alleged dues of the petitioners against the respondent.

b). The dispute between the parties in these proceedings is referred to the arbitration of Shri Justice R.Y. Ganoo, a former Judge of this Court.

c). Learned counsel appearing for the petitioners seeks liberty to withdraw these petitions on the aforesaid terms. It is made clear that the dispute before the learned arbitrator shall be in respect of the claims excluding the amounts allowed to be withdrawn in favour of the petitioners. The amounts which are allowed to be withdrawn in favour of the petitioners by consent of the respondent are admitted dues of the petitioner. It is also made clear that all other contentions in respect of the remaining claims are kept open. The respondent also would be at liberty to file the counter claim before the learned arbitrator excluding the subject matter of the amounts which are allowed to be withdrawn. It is made clear that if any counter claim is filed before the learned arbitrator, the learned arbitrator shall decide

the counter claim along with the statement of claim on its own merits. This Court has not expressed any views in respect of the balance claim remains outstanding insofar as the petitioners are concerned and the counter claim proposed to be filed by the respondent are concerned.

d). The Prothonotary & Senior Master to act on the authenticated copy of this order.

e). The aforesaid three company petitions are allowed to be withdrawn in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)