

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO.1707 OF 2015**

Board of Control for Cricket in India Petitioner

Vs.

The Official Liquidator, Bombay High
Court as Provisional Liquidator of
Nimbus Communications Ltd. Respondent

Mr. Rafique Dada, senior advocate a/w. Mr. Indranil Deshmukh, Ms. Aditi Thakur and Mr. Abhishek Dwivedi i/b. Cyril Amarchand Mangaldas for petitioner.

Mr. Prathamesh Kamat for respondent (in liquidation).

CORAM : K.R.SHRIRAM, J.

DATE : 2nd NOVEMBER, 2017

P.C.:

1 Mr. Dada, senior counsel appearing for petitioner states that various orders were passed in this petition. Based on those orders, petitioner has deposited in this Court a sum of Rs.23,34,81,287/-. Mr. Dada further states that the order dated 10th February, 2017 read with order dated 25th April, 2017, except the last sentence in paragraph 3 of the order dated 25th April, 2017, be confirmed as order in this petition and the petition be accordingly disposed.

2 Mr. Kamat, counsel for respondent states that as the petition for winding up of respondent company has been admitted and Official Liquidator appointed as Provisional Liquidator, the amount deposited in this proceedings should go to the Official Liquidator and not to petitioner.

Otherwise Mr. Kamat has no objection to the submissions as prayed for by Mr. Dada.

3 Whether the amount deposited by petitioner in this Court mentioned in the order dated 10th February, 2017 is to be paid to petitioner or respondent cannot be considered in the present proceedings.

4 I have considered the orders and also the submissions made by Mr. Dada. In my view, the petition can be disposed as prayed for by Mr. Dada. Therefore, the order dated 10th February, 2017 read with order dated 25th April, 2017, excluding the last sentence in paragraph 3 "... This order will continue till the award becomes executable and for a period of two weeks thereafter, during which time the petitioner will have to obtain appropriate orders in execution", is confirmed as order in the petition and petition accordingly stands disposed.

(K.R. SHRIRAM, J.)