

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 13593 OF 2018
IN
ARBITRATION APPEAL (STAMP) NO.33899 OF 2018
WITH
CIVIL APPLICATION NO.13591 OF 2018
IN
ARBITRATION APPEAL (STAMP) NO.33899 OF 2018

ZILLA PARISHAD, AURANGABAD T/H ITS CEO, MS.PAVNEET DAUR T/H
AUTHORISED SIGNATORY
VERSUS
M/S NAVNIRMAN DEVELOPMENT CONSULTANTS THROUGH VARSHA
ATUL DAWALE.

...
Advocate for the Applicant : Shri Thigale Girish K. (Naik)
Advocate for the Respondent : Shri A.K.Gawali.
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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 01st November, 2018

Per Court:

1 Issue notice to the Respondents on both the Civil Applications. The learned Advocate for the Respondent waives service.

2 Certified copy of the impugned order is permitted to be placed on record. Delay is of 120 days in filing the Arbitration Appeal.

3 The learned Advocate for the sole Respondent opposes the delay condonation application. In the alternative, it is submitted that if the delay is condoned, costs may be imposed and the same be donated for the

treatment of poor patients.

4 In view of the above, Civil Application No.13593/2018 is allowed and delay of 120 days is condoned, subject to the Applicant paying an amount of Rs.3000/- (Rupees Three Thousand) as donation for the Ghati Hospital, Aurangabad (Government Medical College and Hospital, Aurangabad), to be deposited with the Medical Officer, High Court Dispensary, Aurangabad, either in cash or by Demand Draft, to be drawn in the name of "Dean, Government Medical College and Hospital Dengi Samiti, Aurangabad" and producing a receipt of such deposit before the Registry of this Court on or before 14.11.2018.

5 Considering that this matter is called out at 06:00 pm on the penultimate day before beginning of vacation, I have briefly heard the learned Advocates.

6 The learned Advocate for the Applicant/ Zilla Parishad makes a statement on instructions that an amount of Rs.35 lac would be deposited in this Court on or before 14.12.2018.

7 On recording this statement, the impugned order to the extent of attaching the bank account in the Aurangabad District Central Cooperative Bank Limited, Zilla Parishad Branch, Aurangabad, shall be kept in abeyance and the account would be temporarily released from the said attachment.

8 Needless to state, the Applicant would not be granted

extension of time even by a single day. If the amount is not deposited as recorded above, the attachment warrant shall stand restored and the account shall stand attached w.e.f. 15.12.2018, without reference to the Court. Besides the same, this Court would consider initiation of contempt proceedings against the Executive Engineer of the Zilla Parishad.

9 It is clarified that this order is with regard to the attachment order.

kps

(RAVINDRA V. GHUGE, J.)