

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 11 OF 2018

IN

APPEAL UNDER ARBITRATION ACT NO. 1 OF 2018

HEERA CONSTRUCTION COMPANY, REP.
BY POA K. GOPALAN.,

... Applicant

Versus

GOVERNMENT OF GOA, REP. BY E.E.W.
DIV. III, PONDA.,

... Respondent

Shri Sandesh D. Padiyar, Advocate for the applicant.

Ms. P. Kamat, Additional Government Advocate for the
respondent.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 21st March 2018

P.C.:

Heard Shri S.D. Padiyar, learned Advocate for the applicant
and Ms P. Kamat, learned Additional Government Advocate for
the respondent.

2. The learned Additional Government Advocate vehemently
opposed the furnishing of the Bank Guarantee even for the entire
amount of the original claim and pressed for the deposit of the
amount of the entire claim which was earlier deposited by them
in the District Court and withdrawn by the present applicant for
the purpose of stay of the proceedings.

3. Shri S.D. Padiyar, learned Counsel for the applicant submits that though a part of the claim has been allowed in the applicant's favour pursuant to the award passed by the learned Principal District Judge of North Goa, Panaji under Section 30 of the Arbitration Act 1940, nonetheless, no appeal has been preferred by the respondent-State challenging the part of the claim granted in the applicant's favour till date.

4. Ms. P. Kamat, learned Additional Government Advocate, on instructions, submits that no execution proceedings have been filed till date and the respondents are contemplating the filing of the execution proceedings in due course of time pending official scrutiny. However, considering that the applicants are ready to furnish Bank Guarantee for the entire amount earlier withdrawn by them, i do not find any force in the contention of the learned Additional Government Advocate opposing the move of the applicant of furnishing the Bank Guarantee which would be in due compliance of the claim raised by the applicant originally and having withdrawn the said amount deposited by the respondent.

5. The interest of the respondent would be adequately secured by furnishing the Bank Guarantee.

6. Shri Padiyar undertakes to furnish a fresh bank Guarantee to the satisfaction of the Registry within two weeks from today.
7. The parties are put to notice that the appeal would be heard finally on 12/06/2018.
8. Liberty to the applicant to furnish a private paper book with a copy to the respondents.
9. Ms. Kamat seeks leave to rely on additional documents, if any.
10. Call for records and proceedings from the Court of the Principal District Judge, North Goa, Panaji.
11. The civil application stands disposed off.

NUTAN D. SARDESSAI, J.

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