

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION
ARBITRATION APPEAL NO. 21 OF 2018

CNH Industrial India Private Limited ... Appellant

Versus

M/s. Sanjay Tractors and Automobiles and another ... Respondents

Mr. D.D. Madon, Senior Advocate instructed by Khaitan & Co. for the Appellant.
Mr. Amey Deshpande instructed by Mr. Sanjay Khaire for the Respondent No.1.

CORAM : S.J. KATHAWALLA, J.
DATED : 18th APRIL, 2018

P.C.:

1. The following order is passed, by consent :-

(i) The impugned order dated 20th March, 2018 is continued for a period of three weeks from today i.e. upto 9th May, 2018.

(ii) The Respondents undertake that they will have the validity of all Bank Guarantees in question, extended for a period of six months from the date of their expiry, failing which the bank will pay the amount to the Appellant, as per the earlier order of this Court.

(iii) Parties agree that the jurisdiction clause confers exclusive jurisdiction to the Courts at New Delhi. The seat of Arbitration is also at Delhi. In view thereof, the Respondents undertake to withdraw C.M.A. No.274 of 2018 pending before the District Judge in Shivaji Nagar, Pune and file fresh Application under Section 9 before the appropriate Court in Delhi. Respondents will give 72 hours notice to Appellant

before making any application before the Delhi Courts.

(iv) Liberty is granted to Respondent to withdraw C.M.A.No.274 of 2018 and to file fresh application in Delhi. In the event of the Courts at New Delhi not granting any relief to the Respondents herein by 9th May, 2018, ad-interim order will automatically come to an end.

(v) The above Arbitration Appeal stands disposed off in the above terms.

(vi) All concerned to act on an ordinary copy of this order duly authenticated by the Associate of this Court.

(S.J.KATHAWALLA, J.)