

psv

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

**NOTICE OF MOTION NO.155 OF 2018
IN
APPEAL NO.368 OF 2010**

Maharashtra State Road Development Corporation Ltd.	..Applicant
In the matter of	
Maharashtra State Road Development Corporation Ltd.	..Appellant
Vs.	
Larsen And Toubro Limited	..Respondent

Mr. E.P. Bharucha, Senior Advocate, with Mr.Prashant Chavan, Mr.Arun Siwach, Mr.Aditya Sikka, Ms.Priyanka Mitra, Ms.Neelakshi Bhaduria i/b. Cyril Amarchand Mangaldas for Applicant.
Mr.Atul Rajadhyaksha, Senior Advocate, i/b. Mr.Kedar Wagle, with Mr.Sagar Wagle and Ms.Sayali Puri for Respondent.

**CORAM : NARESH H. PATIL AND
G.S. KULKARNI, JJ.**

DATE : 6th MARCH 2018

P.C.:

Heard.

2. The award was passed in the year 2007. The principal amount which the applicant/appellant has to pay to the respondent is Rs.3,38,69,300/-. According to the learned Counsel appearing for the respondent, the amount due from the applicant/appellant

along with interest comes to Rs.12,16,58,465/-. The execution petition is filed.

3. The learned Counsel appearing for the appellant submits that since the appeal is of the year 2010, it be finally heard and disposed of on merits.

4. As old appeals filed prior to the present appeal are pending, it is not possible to list this appeal for final hearing. However, in the facts, we pass following order:-

ORDER

i. In case the appellant deposits 50% of Rs.12,16,58,465/- within six weeks from today and furnishes F.D.R. of nationalized bank for remaining amount, the execution of the award shall stand stayed;

ii. In case of failure of the petitioner to deposit the amount as directed, the respondent shall proceed with the execution proceedings.

iii. Notice of Motion is disposed of.

At this stage, learned Counsel for the respondent prays for liberty to withdraw the said amount.

As and when the applicant deposits the amount, the respondent may file appropriate motion for the same, which would be considered on its own merits.

[G.S. KULKARNI, J.]

[NARESH H. PATIL, J.]