

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 848 OF 2017
IN
ARBITRATION PETITION NO. 642 OF 2012

M/s.Suvidha Engineers India Pvt. Ltd. Applicants

IN THE MATTER BETWEEN

M/s.Shirdi Country Inns Pvt. Ltd. Petitioner

VERSUS

M/s.Suvidha Engineers India Pvt. Ltd. Respondents

Mr.P.V.Dhopatkar, i/b. Mr.L.B.Rai for the Applicant in NMS.

None for the Respondents.

CORAM : R.D. DHANUKA, J.

DATE : 5th APRIL, 2018

P.C.

None appeared for the respondents when the matter was called out. No affidavit in reply is filed.

2. By this notice of motion, the applicant seeks order and direction against the learned Prothonotary and Senior Master of this court to release the original bank guarantee and the original extended bank guarantee of the respondents described in prayer clause (a) of the notice of motion. These two bank guarantees were furnished by the applicant pursuant to the interim orders passed by this court while withdrawing the amount deposited by the respondents. The Arbitration Petition No.782 of 2014 filed by the respondent impugning the arbitral

award came to be dismissed by this court by an order and judgment dated 13th January, 2015. Appeal No. 246 of 2015 filed by the respondent came to be dismissed on 13th June, 2016 against the said order and judgment dated 13th January, 2015. The award rendered in favour of the applicant has attained finality.

3. The applicant is thus entitled to prayer clause (a) of the notice of motion. The applicant is thus granted relief in terms of prayer clause (a).

4. Learned Prothonotary and Senior Master is directed to release the bank guarantee to the applicant within one week from the date of communication of this order.

5. Learned Prothonotary and Senior Master to act on the authenticated copy of this order.

6. Notice of motion is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]