

psv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL APPELLATE DIVISION**

**COMMERCIAL APPEAL (L.) NO.266 OF 2018
IN
COMM. ARBITRATION PETITION NO.502 OF 2018
WITH
NOTICE OF MOTION (L.) NO.561 OF 2018**

Kriarj Entertainment Pvt. Ltd.

...Appellant

Vs.

Gothic Entertainment & Ors.

...Respondents

Mr. A.V. Anturkar, Senior Advocate, with Mr.Gautam Ankhad and Mr.Satish Kumbhar i/b. Satish Kumbhar for Appellant/Applicant.

Mr.Ravi Kadam, Senior Advocate, with Mr.Prateek Seksaria, Mr.Nitesh Jain, Mr.Jeet Karia and Mr.Atul Jain i/b. Shardul Amarchand Mangaldas & Co. for Respondent No.1.

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

DATE : 11th JUNE 2018

P.C.:

We have heard the learned Counsel appearing for the respective parties.

2. The learned Counsel appearing for the appellant, on instructions, agrees to the following arrangement in respect of two mainly contested issues viz. (i) regarding undertaking of appellant to deposit an amount of Rs.5 Crores, (ii) in respect of objection raised in clause (ix) of the

impugned order.

3. As regards the first issue in respect of depositing of Rs.5 Crores by the appellant, we grant four weeks time to appellant to deposit the same as per the order passed by the learned Single Judge on 22nd May 2018.

4. As regards the second issue raised in respect of clause (ix) of the order, we modify the said order as under:-

“Appellant is entitled to receive amounts from any party without seeking prior permission of this Court for any of the films, but such amount if received, shall be retained by the appellant. Its proportion shall be subject to the order passed by the learned arbitrator on the appropriate application under section 17 of the Arbitration and Conciliation (Amendment) Act.”

5. The parties are entitled to make an appropriate application under Section 17 of the Arbitration and Conciliation (Amendment) Act before the arbitrator. In case such an application is filed, we expect the learned arbitrator to decide the same as early as possible on its own merits.

6. Needless to say that we have not addressed the other issues in the present appeal. All contentions of the parties are kept open. The

appellant is entitled to raise appropriate issues and prayers in the application under Section 17 of the Act before the learned arbitrator including prayer for extension of time.

7. Appeal stands disposed of.

8. In view of disposal of appeal, notice of motion (lodg.) No.561 of 2018 does not survive. It is disposed of accordingly.

[G.S. KULKARNI, J.]

[NARESH H. PATIL, J.]