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

**NOTICE OF MOTION NO.1235 OF 2018
IN
ARBITRATION PETITION (L) NO.764 OF 2018
WITH
NOTICE OF MOTION (L) NO.1598 OF 2018
IN
ARBITRATION PETITION (L) NO.764 OF 2018
WITH
ARBITRATION PETITION (L) NO.764 OF 2018**

G And T Oilfield And Offshore Services Pvt. Ltd. ...Petitioner

vs

P.V. Thomas, Prop of SRI Industries ...Respondent

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Mr. Soli Cooper, Senior Advocate, a/w. Mr. Aurup Dasgupta, and Mr. Shrey Shah, i/b. Jhangiani Narula & Associates, for the Applicants/Petitioners.

Mr. Ajay Panicker, a/w. Mr. Amit Kakri, i/b. Ajay Law Associates, for the Respondent.

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CORAM : S.C. GUPTE, J.

DATED: 15 OCTOBER, 2018

P.C.:

. Notice of Motion No.1235 of 2018 is for condonation of delay of 29 days in filing the arbitration petition. The arbitration petition is within 120 days of knowledge of the award. It is the case of the Applicant/Petitioner that the award, which was declared on 22 February 2018, was received by the Applicant/Petitioner on 9 March 2018. The Respondent to the notice of motion is unable to show any proof that the arbitration award was received by the Applicant/Petitioner at any time

before this date. Accordingly, the notice of motion deserves to be allowed and the delay condoned. Notice of Motion No.1235 of 2018 is, accordingly, made absolute in terms of prayer clause (a). The office shall now register and number the arbitration petition.

2. Notice of Motion (L) No.1598 of 2018 is for stay of the impugned award. Learned Counsel for the Respondent (the original award holder) submits that his client has already taken out an execution application. Learned Counsel submits that the attachment warrant issued by the executing court could not be executed on a certain property at Bandra West, Mumbai, which, according to the Respondent, belonged to the Petitioner. Learned Counsel submits that it so transpires that this property does not belong to the Petitioner. According to learned Counsel for the Petitioner, the property never belonged to the Petitioner. Be that as it may, today the Respondent has sought to issue an execution process in respect of a property at Taluka Panvel, District Raigad. Learned Counsel submits that the Respondent carried out the contract work at this particular property. Learned Counsel for the Applicant/Petitioner submits that the property is owned by a joint venture, to which the Applicant/Petitioner was a party, but that the joint venture was exited by his client more than 5 years ago and that the property is now owned by a company called Oil States Industries Inc. based in USA. Since the arbitration petition is required to be heard for admission before this Court assesses the respective cases of the parties on merits at a prima facie stage, this Court is not inclined to pass any order in case of this particular property as of now, but simply note the Applicant/Petitioner's statement concerning the property. The Applicant/Petitioner shall place

on record the exit documents in respect of the joint venture before the next date. Place the arbitration petition for admission on 22 October 2018, along with Notice of Motion (L) No.1598 of 2018.

(S.C. GUPTE, J.)