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

NOTICE OF MOTION NO.335 OF 2018
IN
ARBITRATION PETITION NO.65 OF 2018

Sumer Infrastructure Pvt. Ltd.	...Petitioner
V/s.	
Bucon Engineers & Infrastructure Pvt. Ltd.	...Respondent

WITH
NOTICE OF MOTION NO.190 OF 2018
IN
ARBITRATION PETITION NO.70 OF 2018

Sumer Infrastructure Pvt. Ltd.	...Petitioner
V/s.	
Mangal Singh M. Rathod	...Respondent

WITH
NOTICE OF MOTION NO.191 OF 2018
IN
ARBITRATION PETITION NO.57 OF 2018

Sumer Infrastructure Pvt. Ltd.	...Petitioner
V/s.	
Amratlal Jain @ Amritlal Shah	...Respondent

WITH
NOTICE OF MOTION NO.195 OF 2018
IN
ARBITRATION PETITION NO.56 OF 2018

Sumer Infrastructure Pvt. Ltd.	...Petitioner
V/s.	
Sharad H. Shah	...Respondent

WITH
NOTICE OF MOTION NO.199 OF 2018
IN
ARBITRATION PETITION NO.66 OF 2018

Sumer Infrastructure Pvt. Ltd.	...Petitioner
V/s.	
Vijay Ladhani	...Respondent

WITH
NOTICE OF MOTION NO.204 OF 2018
IN
ARBITRATION PETITION NO.59 OF 2018

Sumer Infrastructure Pvt. Ltd.	...Petitioner
V/s.	
Tarla R. Shah, Prop. of K.R. Construction	...Respondent

WITH
NOTICE OF MOTION NO.206 OF 2018
IN
ARBITRATION PETITION NO.71 OF 2018

Sumer Infrastructure Pvt. Ltd.	...Petitioner
V/s.	
J.P. Enterprises	...Respondent

WITH
NOTICE OF MOTION NO.207 OF 2018
IN
ARBITRATION PETITION NO.58 OF 2018

Sumer Infrastructure Pvt. Ltd.	...Petitioner
V/s.	
Konark Structural Engineering Pvt. Ltd.	...Respondent

WITH
NOTICE OF MOTION NO.208 OF 2018
IN

ARBITRATION PETITION NO.55 OF 2018

Sumer Infrastructure Pvt. Ltd.	...Petitioner
V/s.	
Pragati Enterprises	...Respondent

WITH
NOTICE OF MOTION NO.333 OF 2018
IN
ARBITRATION PETITION NO.54 OF 2018

Sumer Infrastructure Pvt. Ltd.	...Petitioner
V/s.	
Ratan Singh M. Rathod	...Respondent

WITH
NOTICE OF MOTION (STAMP) NO.2283 OF 2017
IN
ARBITRATION PETITION NO.221 OF 2018

Sumer Infrastructure Pvt. Ltd.	...Petitioner
V/s.	
Asphalt India Corporation	...Respondent

Dr.Abhinav Chandrachud with Ms.Monisha Mane Bhangale and Ms.Warisha Parkar i/b ALMT Legal for the Applicant / Petitioner.

Mr.M.P. Vashi, Senior Counsel with Ms.Prachi K. i/b M.P. Vashi & Associates for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 20TH APRIL, 2018.

P.C. :-

1. Heard learned counsel for the parties. By a separate order passed today in the arbitration petitions in which these notices of motion are taken out, those arbitration petitions are already admitted.

2. The arbitration petitions raise an important issue of limitation. Learned arbitrator has awarded interest for pre-reference period, which according to the applicant is contrary to the agreement between the parties.

3. The impugned order is stayed on the condition that the applicant deposits 50% of the awarded sum excluding pre-reference period interest. Such amount shall be deposited within six weeks from today, without fail. It is made clear that no further extension would be granted. If such amount is not deposited within the time prescribed, the interim stay granted by this Court to stand vacated without further reference to the Court. The petitioner is directed to furnish the calculation of the amount excluding interest to the respondent's advocate within four weeks from today.

4. If the amount is deposited by the applicant, the respondent would be permitted to withdraw the said amount by furnishing a bank guarantee of a nationalized bank in favour of the Prothonotary & Senior Master of this Court to be kept alive initially for a period of two years and thereafter for a like period after obtaining further orders from this Court. The bank guarantee shall be furnished within such time as the learned Prothonotary & Senior Master of this Court deems fit.

5. If the bank guarantee is not furnished within the time

prescribed, the amounts that would be deposited by the applicant shall be invested in a fix deposit of a nationalized bank initially for a period of two years and thereafter for a like period after obtaining further orders from this Court.

6. The notices of motion are disposed of in aforesaid terms.

No order as to costs.

(R.D. DHANUKA, J.)