

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

**ARBITRATION PETITION (LODGING) NO.1490 OF 2011
WITH
NOTICE OF MOTION NO.354 OF 2017
IN
ARBITRATION PETITION (LODGING) NO.1490 OF 2011**

Mazgaon Dock Ltd. ...Petitioner

Versus

Karunya Marifab Enterprises ...Respondent

.....

Mr. M.P.S. Rao, Senior Advocate with Mr. S.D. Shetty and Ms S.S. Paralikar i/b. M/s. M.V. Kini and Co. for the Petitioner.

**CORAM : RANJIT MORE AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 13th AUGUST, 2018.

P.C.:-

Not on board. Taken on board.

2. Subject of this matter is award passed by the Respondent No.1. By detail order passed today in Appellate Side Writ Petition No.10551 of 2011 between the same parties we have quashed and set aside the very same award on the ground that the Respondent No.1 having conducted the conciliation proceedings could not have decided itself the arbitration proceedings under Section 18(3) of the MSMED Act. In the light of the said order, this petition will not survive. Same

is accordingly disposed of.

3. Mr. Rao, the learned senior counsel for the Petitioner at this stage states that at the time of admission, in pursuant to the directions of the Division Bench of this Court given on 15th March, 2012 and 5th October, 2012, the Petitioner has deposited an amount of Rs.2,63,84,803/- in this Court. Since the impugned award is already decided, we direct the registry to refund the said amount to the Petitioner alongwith the interest accrued thereon within a period of four weeks from the Petitioner making an application to that effect.

4. The notice of motion stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)

Megha
Shridhar
Parab

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Date: 2018.08.23
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