

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

**COMMERCIAL CHAMBER SUMMONS NO.1 OF 2018
ALONG WITH
NOTICE OF MOTION NO.717 OF 2017
IN
COMMERCIAL ARBITRATION PETITION NO.537 OF 2017**

State of Maharashtra .. Applicant/Petitioner
Vs.
Kalyan Sangam Infratech Limited .. Respondent

Mr.Sanjay V. Kadam a/w Ms.Apeksha Sharula, Mr.Sunjeel Kadam and Ms.Sayalee Rajapurkar i/by M/s.Kadam & Company for the applicant/petitioner.

Mr.Rahul Narichania, Senior Advocate a/w Mr.Siddant Chabria a/w Ms.Pushpa Tiwari i/by M/s.SRS Legal Kadam & Company for the respondent.

**CORAM : R.D. DHANUKA, J.
DATE : 17th January 2018**

P.C.:

. Heard learned counsel for the parties.

2. Mr.Narichania, learned senior counsel appearing for the respondent has no objection if the chamber summons is allowed without accepting the contentions raised therein. Statement is accepted.

3. Chamber summons is allowed in terms of prayer clause (a). It is made clear that merely because the chamber summons is allowed, the grounds, averments and contentions raised therein are not accepted by the respondent. Amendment to be carried out within two weeks from today and a copy of the amended petition shall be served upon the respondent.

4. The respondent shall be permitted to file affidavit-in-reply to the original petition duly amended within four weeks from the date of service of the amended copy of the petition and shall serve a copy thereof upon the applicant's advocate simultaneously. Rejoinder, if any, shall be filed within two weeks from the date of service of the affidavit-in-reply and a copy thereof shall be served upon the respondent's advocate simultaneously.

5. The applicant is granted liberty to file a separate notice of motion inter alia praying for stay of the impugned monetary award rendered by the arbitral tribunal. The said notice of motion shall be filed within two weeks from today and a copy thereof shall be served upon the respondent's advocate simultaneously. Affidavit-in-reply, if any, shall be filed within three weeks from the date of service of notice of motion and a copy thereof shall be served upon the applicant's advocate simultaneously. Rejoinder, if any, shall be filed within two weeks from the date of service of the affidavit-in-reply and a copy thereof shall be served upon the respondent's advocate simultaneously.

7. Place the Arbitration Petition No.537 of 2017 on board for 'Admission' on 16th March 2017 along with notice of motion if filed by the applicant.

R.D. DHANUKA, J.