

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

ARBITRATION PETITION NO. 99 OF 2016

Essar Projects Ltd. Dubai

...Petitioner

vs

Armada C7 Pte. Ltd. & Anr.

...Respondents

None for Petitioner.

Mr. Shrivardhan Deshpande I/b. Desai & Diwanji for Respondent No.1.

Mr. H.S. Khokhawala I/b. Nankani & Associates for Respondent No.2.

CORAM : S.C.GUPTE, J.

DATE : 22 NOVEMBER 2018

P.C. :

This arbitration petition, filed under Section 9 of the Arbitration and Conciliation Act, 1996, seeks restraint on invocation of a bank guarantee. The bank guarantee has already stood invoked and the amount of bank guarantee has been paid by the concerned bank (Respondent No.2) to Respondent No.1. This has been duly recorded in the order passed by this court on 24 November 2015. Since there was some concern about the date on which the amount was released - whether before or after the ad-interim injunction order passed by this court, the matter was stood over and an intimation was directed to be issued to Respondent No.2.

2 Learned Counsel for Respondent No.2 submits that the amount was released after the date of the order but that the order was not communicated to Respondent No.2. The order of 6 November 2015 was passed by a vacation court on an application moved *ex parte* by the

Petitioner. At that stage, none had appeared for the Respondents. Since the Petitioner is not present today to take exception to the stand taken by Respondent No.2, nothing further needs to be done as of date.

3 In case the Petitioner had any grievance about Respondent No.2 having committed breach or disobedience of the ad-interim injunction order passed by this court, the same could have been agitated in the notice of motion taken out by the Petitioner in that behalf in the present arbitration petition. This court, by an order dated 8 August 2018, directed the Petitioner to remove office objections within one week, failing which the notice of motion was to stand dismissed without further reference to this court. It appears that the Petitioner has not removed office objections. The notice of motion has continued on its lodging number, and stands dismissed by that self-operative order.

4 The arbitration petition is, accordingly, dismissed as infructuous.

(S.C. GUPTE, J.)