

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

ARBITRATION APPEAL NO. 35/2017

(THE UNION OF INDIA & ANOTHER **VERSUS** P.J. RATHOD & ANOTHER)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri P. Khobragade, counsel for the appellants.
 Shri C.S. Dhore, counsel for the R-1.

CORAM : A.S. CHANDURKAR, J.

DATE : JULY 03, 2018.

The learned counsel for respondent no.1 has raised an objection to the maintainability of the present appeal on the ground that the contract in question was entered into between South Eastern Railway Administration and the respondent no.1. It is submitted that the present appeal has been filed by South Eastern Railway, which is designated as South East Central Railway, which was not in existence when the contract was entered into. The learned counsel has placed reliance on the decision reported in **AIR 2005 SC 1832** (*Union of India Versus Tecco Trichy Engineers and Contractors*).

Shri P. Khobragade, learned counsel for the appellants, seeks time to reply to the aforesaid objection.

Stand over to 20.07.2018.

In the meanwhile, the record of Civil Miscellaneous Application No.1 of 2007 be called from the District Court, Nagpur.

C.A.M. NO.13/2018.

The applicant seeks permission to withdraw the amount of Rs.10,11,887/- that has been deposited by the appellants as per the judgment of the District Court in Civil Miscellaneous Application No.1 of 2007.

The application is opposed by the learned counsel for the appellants on the ground that the amount as awarded exceeds the entitlement of the applicant.

Perused the impugned order. The applicant is permitted to withdraw 50% of the amount deposited by the appellants subject to filing an undertaking that in case the appeal is allowed, said amount would be repaid with interest at such rate the Court may direct.

The civil application is disposed of.

JUDGE

APTE