

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

* THE HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON' BLE SRI JUSTICE N. BALAYOGI

+ CIVIL REVISION PETITION No.3257 OF 2018

%Date: 22.06.2018

Between:

M/s. Sree Praveen Enterprises,
Lalgadi Malakpet Village, Shamirpet Mandal,
Medchal District, Rep. by Mr. R. Ranga Reddy, Managing Director.

...Petitioner

Vs.

\$ Union of India, Rep. by Brig ASC Headquarters,
Dakshin Bharat Area, Chennai and others

.. Respondents

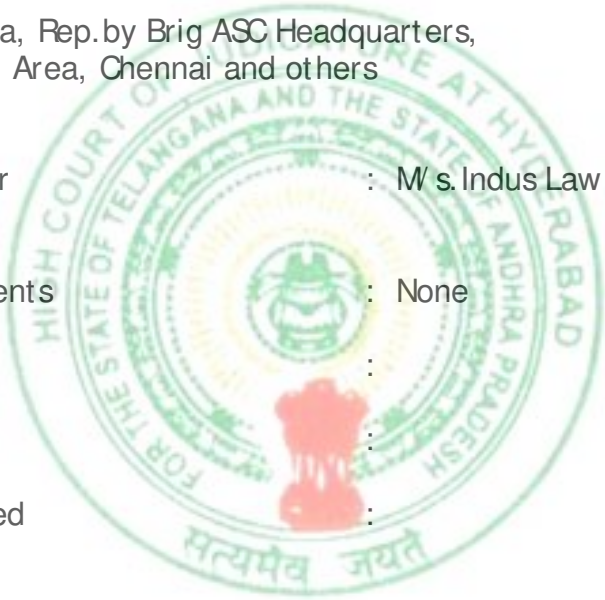
! For Petitioner : M/s. Indus Law Firm

^ For Respondents : None

< Gist :

> Head Note :

? Cases Referred :



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON' BLE SRI JUSTICE N. BALAYOGI

CIVIL REVISION PETITION No.3257 OF 2018

ORDER: (per V. Ramasubramanian, J)

Aggrieved by a condition imposed by the Court of the XI Additional Chief Judge, City Civil Court, Hyderabad, directing the petitioner to deposit 25% of the Award amount for the grant of interim suspension of an award, pending a petition under Section 34 of the Arbitration and Conciliation Act, the Award Debtor has come up with the above revision petition.

2. Heard Mr. V. R. N. Prashanth, learned counsel for the petitioner.

3. After the amendment to the Arbitration and Conciliation Act, 1996, stay is not automatic, pending a challenge to the Award under Section 34 of the Act. Therefore, the petitioner took out an application in I.A. No.838 of 2017 for stay of further proceedings pursuant to the Award, pending a challenge under Section 34 of the Act. The Court below thought it fit to grant stay on condition that the petitioner deposited 25% of the award amount together with the costs as awarded by the Arbitral Tribunal. Challenging the stay order, the Award Debtor has come up with the above revision.

4. We find no justification to interfere with the order. The imposition of a condition for the grant of stay lies in the realm of discretion. Considering the facts and circumstances, the Court below has chosen to impose a condition of deposit of 25%. We find no reason to interfere with the said order.

5. Hence, the Civil Revision Petition is dismissed. However, considering the fact that the time limit for payment of the amount has

already expired, we grant three (3) weeks time from the date of receipt of a copy of this order for the petitioner to comply with the condition.

6. As a sequel thereto, miscellaneous petitions, if any pending, shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

N. BALAYOGI, J

June 22, 2018
KTL

