

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION APPEAL NO.13 OF 2017

WITH

CIVIL APPLICATION NO.14 OF 2017

IN

ARBITRATION APPEAL NO.13 OF 2017

Kruti Infrastructure, through partners

Sagar S. Chankeshwara & Anr.

...Appellants/Applicants

Versus

Ranjit Kantilal Shah & Anr.

...Respondents

Mr.G.S.Godbole with Parag M.Tilak, for the Appellants/Applicants.

Mr.Sachin Punde, for Respondent nos.1 and 2.

CORAM : G.S. KULKARNI, J.

DATE : 6 September 2019

PC.

Not on board taken on board on a praecipe as moved on behalf of the respondents for speaking to the minutes of the order dated 28 August 2019.

2. In the order dated 28 August 2019, in paragraph (5) line no.3 the sentence

“There are no ad-interim reliefs which are granted by this Court.”

be deleted.

3. After paragraph (5) add paragraph (5A) which reads thus:-

“5A. This Court in its order dated 20 July 2017 passed on this appeal, in paragraph (4) of the order had recorded a statement as made by the learned Counsel for the appellants as an undertaking to the Court, that until further orders in this Appeal, the appellants will not dispose of the properties mentioned in paragraph-3 of the order dated 30.6.2017. This statement continues to operate till date. In the facts and circumstances of the case, the parties are directed to commence the arbitral proceedings within thirty days from today. It will be also permissible for the parties to move appropriate application under Section 17 of the Arbitration and Conciliation Act, 1996 before the arbitral tribunal, seeking such interim measures. The interim order dated 20 July 2017 passed by this Court in terms of the said statement as made on behalf of the appellants, shall continue to operate till the decision by the arbitral tribunal on Section 17 application. In case the arbitral proceedings are not commenced by any of the parties within thirty days from today, this protection shall cease to have any effect. All the contentions of the parties are expressly kept open.”

4. Order dated 28 August 2019 be corrected accordingly and a copy be made available to the parties.

(G.S.Kulkarni, J.)