IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 970 OF 2019
IN
ARBITRATION PETITION NO. 478 OF 2019

Motilal Oswal Securities Ltd. ….. Petitioner

VERSUS

AFP Ideas and Execution Pvt. Ltd. ….. Respondent

Mr.Simil Purohit, a/w. Mr.Rahul Karnik, i/b. Mr.J.S.Anand for the Petitioner/Applicant.

Ms.Prachi Pandya, i/b. M/s.Corporate Attorneys for the Respondent.

CORAM : R.D. DHANUKA, J.

DATE : 12th JUNE, 2019

P.C.

By a separate order dated 21st January,2019 passed by Shri G.S.Kulkarni, J. in Notice of Motion (L) No.150 of 2019 and in arbitration petition, this court has recorded the statement made by the learned counsel for the applicant that the awarded amount is already deposited with the National Stock Exchange.

2. By the said order, this court directed that the award amount be not parted by the National Stock Exchange till the adjourned date of hearing. By a separate order passed by this court, arbitration petition filed by the applicant has been admitted.

3. In view of the fact that the awarded amount is already deposited with the National Stock Exchange by the applicant, impugned award is

stayed.

4. Ms.Pandya, learned counsel for the respondent at this stage seeks liberty to withdraw the said amount and would submit that her client would file an undertaking or indemnity as may be directed by this court under the bye-laws applicable to the parties.

5. I am not inclined to permit the respondent to withdraw the said amount on issuance of indemnity or undertaking as suggested by the learned counsel.

6. National Stock Exchange of India Ltd. is directed to deposit the amount which was deposited by the applicant with the Stock Exchange with the office of the learned Prothonotary and Senior Master within two weeks from the date of communication of this order.

7. Upon such deposit by the National Stock Exchange of India Ltd. with the office of the learned Prothonotary and Senior Master of this court, the respondent would be at liberty to withdraw the said amount on furnishing the bank guarantee of a nationalized bank which shall be initially for a period of two years and shall be kept alive during the pendency of this petition.

8. The bank guarantee shall cover interest at the rate of 9% per annum. Such bank guarantee shall be furnished within four weeks from the date of such deposit of the amount by the National Stock Exchange of India Ltd. with the office of the learned Prothonotary and

Senior Master.

9. If the bank guarantee is not furnished within four weeks from the date of such deposit, learned Prothonotary and Senior Master shall invest the said amount in the fixed deposit of a nationalized bank initially for a period of two years and thereafter for like period after obtaining further orders from this court.

10. The parties as well as the National Stock Exchange of India Ltd. to act upon the authenticated copy of this order.

11. Notice of motion is disposed of in the aforesaid terms. No order as to costs.

[R.D.DHANUKA, J.]