

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1105 OF 2018
IN
COMM. ARBITRATION PETITION NO. 419 OF 2017

Subhash Chand Agarwal

**..... Applicant
(Org.Petitioner)**

IN THE MATTER BETWEEN

Subhash Chand Agarwal & Ors.

..... Petitioners

VERSUS

HDB Financial Services Limited

..... Respondents

Mr.Anil D'souza for the Applicant/Petitioners.

Mr.Manish Gala, i/b. M/s.Law Square for the Respondents.

CORAM : R.D. DHANUKA, J.

DATE : 25th JUNE, 2019

P.C.

Mr. D'souza, learned counsel appearing for the applicant fairly invited my attention to the order dated 22nd December,2017 passed by this court in Commercial Arbitration Petition No.419 of 2017 and submits that the applicant has not deposited the amount as undertaken before this court on 22nd December,2017 and as a result thereof, the arbitration petition has already stood dismissed without further reference to court. He further states that in view of the aforesaid order, this notice of motion does not survive. Statement is accepted.

2. It is an admitted position that the applicant has not deposited the amount inspite of the undertaking rendered this court on 22nd December,2017. Consequently the said arbitration petition is already dismissed without further reference to court. This notice of motion for extension of time to deposit the amount of the award thus does not survive and is accordingly dismissed. No order as to costs.

[R.D. DHANUKA, J.]