

jsn

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN THE COMMERCIAL DIVISION**

**COMMERCIAL CHAMBER SUMMONS NO.699 OF 2019
IN
COMMERCIAL EXECUTION APPLICATION NO.28 OF 2019**

Global Logistics Pvt. Ltd. & Ors	... Applicants
<i>In the matter between</i>	
Transport Corporation of India Ltd.	... Claimant
Vs.	
Global Logistics Pvt. Ltd. & ors.	... Respondents

Mr. Akshay Deshpande, I/b KLS Legal for the Applicant.
Mr. Ajay Panicker with K.K. Kishore I/b Ajay Law Associates for
the Ori. Applicant / Respondents.

CORAM:	R. I. CHAGLA, J.
DATE:	31ST JULY, 2019.

PC:-

1. The present Chamber Summons is filed for stay of the execution, implementation and operation of the award dated 15th September, 2017 pending the determination of the Commercial Arbitration Petition (L) No. 82 of 2018 filed in this Court. The Applicant has in the Arbitration Petition (L) No.82 of 2018 taken out a Notice of Motion for stay of the said order dated 15th September, 2017. Hence, this Chamber Summons is not maintainable in view of the Notice of Motion taken out by the Applicant in the Arbitration Petition for stay of the said award.

2. Hence, the Chamber Summons which seeks stay of the execution is liable to be dismissed on the ground that the award is still in operation and can only be stayed provided that the appropriate Court hearing the Arbitration Petition is satisfied that the Arbitration Petition is required to be stayed in the pending Notice of Motion No.1209 of 2019 taken out in the Arbitration Petition (L) No. 82 of 2018 in that Court.

3. The Chamber Summons is accordingly dismissed with no order as to costs.

(R I. CHAGLA, J.)