

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

ARBITRATION PETITION NO. 1248 OF 2015

Moorgate Industries India Pvt.Ltd.

Earlier known as

Stemcor India Pvt.Ltd.

...Petitioner

vs

Conros Steel Pvt.Ltd.

Through Liquidator, Mr.Shantanu T. Ray,

AAA Insolvency Professional LLP & Ors.

...Respondents

WITH

CONTEMPT PETITION NO. 45 OF 2015

Stemcor India Pvt.Ltd.

...Petitioner

vs

Conros Steel Pvt.Ltd.

Through Liquidator, Mr.Shantanu T. Ray,

AAA Insolvency Professional LLP & Ors.

...Respondents

Mr.Mustafa Doctor, Senior Advocate and Anirudh Hariani with Shreni Shetty, Navankur Pathak for Petitioner.

None for Respondents.

CORAM : S.C.GUPTE, J.

DATE : 20 MARCH 2019

P.C. :

Arbitration Petition No.1248/2015 seeks interim orders under Section 9 of the Arbitration and Conciliation Act, 1996 ('Act') pending a reference. Similar directions, as are sought in the arbitration petition, were already issued by the arbitral forum under Section 17 of the Act. These directions have been subject matter of a pending arbitration appeal before this court. Be that as it may, there has not been any stay by the order of the arbitrator under Section 17 of the Act. In the premises, after seeking

necessary directions from the arbitral tribunal under Section 27, an application has been moved for issuance of contempt notice under Section 27(5) of the Act. After hearing the parties on this petition, this court, by its order dated 8 April 2015, directed issuance of contempt notice under the High Court (Original Side) Rules against the Respondent. This court gave liberty to the Petitioner to adopt such proceeding under Section 9 of the Act for further reliefs. The present arbitration petition is purportedly filed in pursuance of that liberty. It, however, transpires during the pendency of this arbitration petition that the Respondent company has gone into liquidation. By an order passed by NCLT, a moratorium has been declared and subsequently, at the bidding of its creditors, the Respondent company has been ordered to be wound up and a Resolution Professional appointed as its liquidator. The Liquidator has now been arraigned as party respondent to the present arbitration petition. Considering, however, that the company is now in liquidation, no orders for deposit of money can be passed in the arbitration petition. As far as the other directions sought are concerned, these directions, as noted above, have already been issued by the arbitral tribunal under Section 17 of the Act and have been subject matter of two pending proceedings in this court, as noted above, namely, arbitration appeal, which is pending under Section 27 of the Act, and contempt petition, where notice has been issued under Section 27(5) of that Act. In the premises, no further order needs to be passed in the arbitration petition.

2 Arbitration Petition No.1248/2015 is accordingly dismissed. The Petitioner, however, will have liberty to adopt such steps as may be permissible in law for seeking further relief in winding up concerning its

grievance from Resolution Professional /Liquidator /NCLT Mumbai, as the case may be.

3 The contempt petition is stood over to 4 April 2019 as a last chance to the Respondent contemnors.

(S.C. GUPTE, J.)