

Sharayu Khot.

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

INTERIM APPLICATION NO. 1 OF 2019

IN

COMMERCIAL EXECUTION APPLICATION NO. 858 OF 2019

Reliance Media Works Limited

...Applicant/ Original
Respondent No. 1

In the matter between

Goodwill Theatres Pvt. Limited

...Original Applicant

Versus

Reliance Media Works Limited & Anr.

...Respondents

Mr. Ashish Kamat, Mr. Aanat Tripathi, i/by Naik Naik & Co., for the
Applicant in IA/1/19.

Mr. Chirag Kamdar, Mr. Bipin Joshi, Mr. Prayag Joshi, for the
Applicant in Execution Application.

CORAM : R.I. CHAGLA J.

DATE : 22 October 2019

ORDER :

1. An Interim Application has been taken out in the
Execution Application challenging the execution proceedings and
praying for its dismissal as well as quashing and setting aside of the

warrant of attachment dated 3rd October 2019 issued in the Commercial Execution Application in respect of the movable property in possession of the Applicant.

2. At this stage, the learned Counsel for the Applicant applies for *ad-interim* relief in terms of prayer clauses (c) and (d), which is for stay of the effect, operation and implementation of the warrant of attachment and to any order passed in the Execution Application. Further, in prayer clause (c), *ad-interim* relief has sought in terms of no further orders to be passed in the Commercial Execution Application.

3. It is the contention of the learned Counsel for the Applicant that by virtue of the amendment in Section 87 of the Arbitration and Conciliation Act, 1996, the arbitral proceedings commenced prior to the amendment which came into effect in 2015 would not be covered by the said amendment. Thereby, filing of an arbitration petition under Section 34 of the Act challenging the Award would amount to stay of the arbitral award.

4. The learned Counsel for the Respondents on instructions

makes a statement that till the next date, no steps will be taken to proceed with the warrant of attachment dated 3rd October 2019 issued in the Commercial Execution Application and with respect to the movable property in possession of the Applicant and that no application shall be made for any relief before the executing Court. The statement is accepted.

5. The learned Counsel for the Respondents is permitted to file Reply to the Interim Application within a period of three weeks from the date of this order.

6. The statement which is recorded shall apply till 18th November 2019.

7. Place the Interim Application on 15th November 2019.

[R.I. CHAGLA J.]