

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.1 OF 2019

IN

COMMERCIAL ARBITRATION PETITION (L) NO.594 OF 2019

M/s. Hariom Projects Pvt. Ltd. ... Applicant

In the matter between:

M/s. Hariom Projects Pvt. Ltd. ... Petitioner

Vs.

Union of India ... Respondent

Mr. Rajat Gupta i/b. A. P. Giri for Applicant.

Mr. Sandeep Laddha a/w. Mr. Ajinkya Jaibhave for Respondent.

CORAM : UJJAL BHUYAN, J.

DATE : JANUARY 07, 2020

P.C. :

Heard Mr. Gupta, learned counsel for the applicant and Mr. Laddha, learned counsel for the respondent.

2. This interim application has been filed by the applicant for restoration of Commercial Arbitration Petition (L) No.594 of 2019 which was dismissed for non-prosecution for failure to remove office objections as pointed out by the registry. There is also delay of 12 days in preferring the present interim application and the applicant seeks condonation of the same.

3. Applicant is the original claimant in the arbitral proceeding as well as the petitioner in the related commercial arbitration petition.

4. Learned counsel for the respondent submits that this Court had passed an order dated 08.07.2019 in Notice of Motion (L) No.1474 of 2019 staying the award in question subject to two conditions i.e., renewal of bank guarantee and deposit of Rs.50 lakhs. He submits that

applicant failed to comply with such directions of this Court. Therefore, applicant is not entitled to any discretionary relief from this Court.

5. On the other hand, learned counsel for the applicant submits that after rejection of the commercial arbitration petition as above, respondent has encashed the bank guarantee.

6. Be that as it may; after hearing learned counsel for the parties and on due consideration, delay in filing the interim application is condoned. The related commercial arbitration petition is restored to file subject to the condition that within 30 days from today, applicant shall remove the office objections.

7. Consequently, interim application is allowed.

(UJJAL BHUYAN, J.)

Minal Parab