

**THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN  
AND**

**THE HON'BLE SRI JUSTICE P.KESHAHA RAO**

**CIVIL REVISION PETITION No.779 of 2019**

**ORDER:** *(per VRS,J)*

Challenging the refusal of the Commercial Court to grant extension of time for complying with a conditional order of stay, the award debtor has come up with the above revision.

2. Heard Mr.Dishit Bhattacharjee, learned counsel for the petitioner, and Mr.K.Ravi Mahender, learned counsel for the first respondent.

3. The petitioner suffered an Arbitral Award and they challenged the same before the Commercial Court by way of an application under Section 34 of the Arbitration and Conciliation Act, 1996. In an application filed therein for stay of execution, the Commercial Court passed an order on 23.01.2019 imposing a condition that the petitioner has to pay 15% of the Award amount by 27.02.2019. The petitioner filed an application in I.A.No.35 of 2019 for enlargement of time. It was dismissed by the Commercial Court vide impugned order. Hence, the petitioner is before us.

4. On 15.04.2019, we passed an interim order, which reads as follows:

“Post on 29.04.2019 for the petitioner to make payment of the amount as ordered by the Commercial Court. If the petitioner comes up with the money on that day, the request for extension of time will be considered favourably.”

5. Even today, the petitioner has not made payment. The counsel for the petitioner seeks one last chance.

6. Considering the fact that the chances of the first respondent for recovery would also turn bleak, if this opportunity is lost, the revision petition is disposed of granting time to the petitioner up to 15.05.2019 to comply with the conditional order of the Commercial Court. The amount as ordered by the Commercial Court on 23.01.2019 should be directly paid by the petitioner to the first respondent on or before 15.05.2019. If it is not so paid, the stay granted by the Commercial Court will stand automatically vacated without reference either to the Commercial Court or to this Court. If the petitioner makes payment directly to the first respondent within the time stipulated, the petitioner will have the benefit of stay.

7. Consequently, miscellaneous petitions pending, if any, in the petition shall stand closed. No order as to costs.

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**V. RAMASUBRAMANIAN, J**

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**P.KESHAHA RAO, J**

29<sup>th</sup> April, 2019  
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