

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.3308 OF 2020
IN
ARBITRATION APPEAL NO.1 OF 2019

Rahul Ramkrushna Makode,
Age : 42 years, Occu. Architect,
R/o Architecture Concern,
Samata Colony, Osmanabad,
Tq. & District Osmanabad

APPLICANT
(Orig. Respondent)

VERSUS

Shri Tulja Bhavani District
Stadium Committee, Osmanabad,
through its President/Collector

RESPONDENT
(Orig. Appellant)

Mr. Amol K. Gawali, Advocate for the applicant (original respondent)
Mr. Rajendra S. Deshmukh, Senior Advocate for the respondent (original
appellant)

CORAM : MANGESH S. PATIL, J.

DATE : 01.12.2020

PER COURT :

In this appeal under Section 37 of the Arbitration and Conciliation Act, 1996, the appellant was directed to deposit an amount of Rs.15 lakhs in this Court by the order dated 05.02.2019.

2. By way of this application, the applicant/original claimant has sought to withdraw the amount.

3. I have heard both the sides. This Court condoned the delay in preferring appeal under Section 37 and directed it to be registered. The order was challenged before the Supreme Court by the original claimant. The challenge was allowed by the Supreme Court and the order of this Court condoning the delay was quashed and set aside. As a logical and legal corollary, the arbitration appeal stood disposed of. It is at that stage that the present application was filed for withdrawal of the amount of Rs.15 lakhs.

4. It is pertinent to note that the order of the Supreme Court allowing the exception taken by the original claimant has again been sought to be reconsidered by preferring a review petition before the Supreme Court. For more than two months, this Court was waiting for some order in the review petition. By the order dated 14.09.2020, the matter was adjourned from time to time, atleast on three occasions. In spite of such lapse of period of more than two and half months, the appellant has not been able to procure any ad-interim relief preventing this Court from allowing this application.

5. Mr. Rajendra S. Deshmukh, learned Senior Advocate for the respondent (original appellant) submits that already the review petition has been filed before the Supreme Court and it is for the concerned Bench to direct its circulation over which the appellant does not have any control. He submits that the appellant has received a letter to that effect from the learned Advocate appearing on behalf of the appellant in the Supreme Court.

6. Suffice for the purpose to observe that sufficient opportunity has already been extended to the appellant to solicit suitable orders from the Supreme Court. As of now, the arbitration appeal stands dismissed. The prayer being made in the Civil Application, therefore, becomes innocuous and can easily be accepted.

7. The application is allowed in terms of prayer clause (B), subject to furnishing an undertaking that if this Court directs in future, the applicant/original claimant (respondent in appeal) will deposit the money back in this Court.

[MANGESH S. PATIL]
JUDGE