

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ARBITRATION APPEAL NO. 1 OF 2019

Shri Tulja Bhawani District Stadium
Committee, Osmanabad

...Appellant

versus

Rahul s/o Ramkrushna Makode

...Respondent

WITH
ARBITRATION APPEAL NO. 2 OF 2019

Shri Tulja Bhawani District Stadium
Committee, Osmanabad

...Appellant

versus

Rahul s/o Ramkrushna Makode

...Respondent

.....
Mr. Kunal, A. Kale, advocate for the appellant
Mr. A. K. Gawali, advocate for respondent
.....

CORAM : V. K. JADHAV, J.
DATED : 22nd JANUARY, 2021

PER COURT:-

1. Heard both sides. Both these arbitration appeals are listed on production board for speaking to minutes.
2. Inadvertently, though the arbitration appeal No. 1 of 2019 and 2 of 2019 are disposed of, however, reference is given to only arbitration appeal No. 2 of 2019.

3. In view of the above, nothing survives for consideration in arbitration appeal No. 1 of 2019 and arbitration appeal No. 2 of 2019 for adjudication. Both the appeals i.e. arbitration appeal No. 1 of 2019 and 2 of 2019 are disposed of.

4. Interim relief, if any, stands vacated.

5. In the order dated 19.1.2021 while disposing of arbitration appeal No. 2 of 2019, inadvertently the order remained to be passed permitting the respondent to withdraw the amount deposited before this Court. It appears that in terms of common order dated 5.2.2019 passed in both the arbitration appeals, the amount of Rs.35,00,000/- (Rupees Thirty five lacs) has been deposited by the appellant - Shri Tulja Bhawani District Stadium Committee, Osmanabad. Out of the said amount, an amount of Rs.20,00,000/- (Rupees Twenty lacs) is allowed to be withdrawn by the respondent. However, balance amount of Rs.15,00,000/- (Rupees Fifteen lacs) remained with this court. In view of disposal of the appeals, the respondent is now entitled for the said amount of Rs.15,00,000/- (Rupees Fifteen lacs).

6. Learned counsel for the appellant- Shri Tulja Bhawani District Stadium Committee, Osmanabad, has no objection, if the respondent is permitted to withdraw the said amount of Rs.15,00,000/-.

7. In view of above, in para 4 of the order dated 19.1.2021 passed in arbitration appeal No. 2 of 2019, the following sentence shall be added:-

“The respondent is permitted to withdraw an amount of Rs.15,00,000/- (Rupees Fifteen lacs) alongwith accrued interest, if any.”

8. In view of above, motion for speaking to minutes stands disposed of.

(V. K. JADHAV, J.)

rlj/