

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO. 1526 OF 2019

WITH

NOTICE OF MOTION (L) NO. 726 OF 2019

WITH

INTERIM APPLICATION (L) NO. 7416 OF 2020

AND

ARBITRATION PETITION NO. 1524 OF 2019

WITH

NOTICE OF MOTION (L) NO. 747 OF 2019

WITH

INTERIM APPLICATION (L) NO. 7415 OF 2020

AND

ARBITRATION PETITION NO. 1525 OF 2019

WITH

NOTICE OF MOTION (L) NO. 729 OF 2019

WITH

INTERIM APPLICATION (L) NO. 7469 OF 2020

AND

ARBITRATION PETITION NO. 1527 OF 2019

WITH

NOTICE OF MOTION (L) NO. 730 OF 2019

WITH

INTERIM APPLICATION (L) NO. 7414 OF 2020

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AND
ARBITRATION PETITION NO. 1522 OF 2019
WITH
NOTICE OF MOTION (L) NO. 744 OF 2019
WITH
INTERIM APPLICATION (L) NO. 7427 OF 2020
AND
COMM DIVISION NOTICE OF DIVISION NO. 1776 OF 2019
IN
COMM ARBITRATION PETITION (L) NO. 298 OF 2019
WITH
COMM DIVISION NOTICE OF MOTION (L) NO. 728 OF 2019

SN Construction ...Petitioner
Versus
Mahindra And Mahindra Financial Services Ltd & ...Respondents
Ors

Mr Mandar Soman, *for the Petitioners and Applicants in all IAS & NMSL.*
Ms Priya Crasto, *for Respondent No.1 in all IAS & NMSL.*

CORAM: G.S. PATEL, J
(Through Video Conference)
DATED: 11th December 2020

PC:-

1. Heard through video conferencing.

2. All these interim applications are for restoration of notices of motion for stay that were dismissed for default in July 2019. There is undoubtedly a delay in filing the interim applications. The Section 34 Petitions are all pending admission.

3. Mr Soman for the Applicants states that the Respondents are, on the basis of the Award, using police machinery directly to seize the hypothecated assets, i.e., vehicles. This is denied by Ms Crasto for the Respondent No. 1, the Award Holder. She states, on instructions, that the Respondent No. 1 has done no such thing. She agrees that any action in enforcement of the Awards in question will have to be in terms of the provisions of the Arbitration and Conciliation Act 1996, that is to say by enforcement as if the Award is a decree of the Court. Ms Crasto is at liberty to file appropriate execution applications for enforcement of the Award and those applications will be decided on merits. She confirms that without an appropriate court order in enforcement or execution, the Award Holder will take no coercive action. That is correct, because the Award Holder cannot do otherwise.

4. Mr Soman states that this statement, which I am noting and accepting as an undertaking to the Court, is sufficient. As a result, the Interim Applications and the Notices of Motion are themselves rendered infructuous.

5. All the Interim Applications and Notices of Motion are dismissed as withdrawn at Mr Soman's request.

6. In view of this withdrawal, Ms Crasto's request for costs does not arise.

7. List all Section 34 Petitions for admission on 28th January 2021.

8. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production of a digitally signed copy of this order.

(G. S. PATEL, J)