

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9700 OF 2022
IN
ARBITRATION APPEAL NO.15 OF 2020

M/s S. D. Shinde and Company

APPLICANT

VERSUS

Godavari Marathwada Irrigation Development
Corporation and Another

RESPONDENTS

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Mr. A. S. Kulkarni h/f Mr. J. N. Singh, Advocate for the applicant
Mr. Ruturaj C. Patil, Advocate for the respondent

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 30th AUGUST, 2022

ORDER :

1. Heard.
2. This civil application is filed for withdrawal of the remaining award amount of Rs.71,66,164/- with accrued interest.
3. The award passed in favour of the applicant is confirmed by the District Court in proceedings filed under section 34 of the Arbitration and Conciliation Act (hereinafter for short "the said Act") and by this Court, in appeal filed under section 39 of the

said Act.

4. The decision of this Court is rendered on 20th June, 2022. Thereafter, the present application is filed.

5. Learned advocate for respondent No.1 has opposed the application contending that initially respondent No.1 was advised not to challenge the decision of this Court, however, now, respondent No.1 has decided to challenge the judgment of this Court passed in the Arbitration Appeal No. 15 of 2020 and necessary steps in that behalf are being taken.

6. It is, thus, clear that so far, the respondent has not challenged the decision of this Court passed in Arbitration Appeal No. 15 of 2020.

7. The Arbitrator has passed the Award of Rs.93,05,800/-, on 27th January, 2016, it is confirmed by the District Court on 10th October, 2018. This Court has also negated the challenge raised by respondent No.1 to the Award, by decision dated 20th June, 2022.

8. In the light of these facts and taking into consideration the fact that so far the order dated 20th June, 2022 passed by this Court is not challenged by respondent No.1, the civil application

is allowed in terms of prayer clause "B", subject to the applicant furnishing security and undertaking, at the time of withdrawal of the amount.

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[NITIN B. SURYAWANSHI]
JUDGE