

Vinita

IN THE HIGH COURT OF BOMBAY AT GOA.

MISC CIVIL APPLICATION NO.24 OF 2022

IN

APPEAL UNDER ARBITRATION NO. 2 OF 2022.

KAI TECH CONSTRUCTIONS PVT. LTD.,

M.C. CHACHAPPAN

...Applicant.

VS

STATE OF GOA, THR. THE EXECUTIVE

ENGINEER, WORKS DIVISION I, WARD,

PANAJI

...Respondents.

Mr. K. Morajkar, Advocate for the applicant.

Mr. M. Salkar, Govt. Advocate for the respondents.

CORAM: A. K. MENON, J.

DATE: 4th April, 2022.

P.C.:

1. By this application, the respondent in Appeal Under Arbitration Act no.2/2022 seeks leave to withdraw a sum of Rs.10 lakhs along with accrued interest which is lying deposited pursuant to an order dated 7.9.2021.

2. The learned Counsel for the appellant submits that in the

event the amount is to be withdrawn, it will have to be secured in a manner such that the money is brought back to the Court in the event appellant succeeds in the appeal challenging an award. The learned Counsel for the applicant today submits that the applicant is willing to provide unconditional guarantee of the nationalized bank to cover the entire amount he seeks to withdraw.

3. In view of the same, I pass the following order:

- a. If the applicant provides a bank guarantee of a Nationalised bank payable in favour of the Registrar(Judicial) for the entire sum now lying invested in Court and invested by the Registry in the bank.
- b. Registrar shall proceed to encash the fixed deposit and pay over the amount to the applicant one week after the applicant provides an unconditional bank guarantee of a nationalised bank in favour of the Registrar (judicial) of this Court payable on first demand and without protect or reference to the applicant.
- c. Such Bank guarantee shall initially be valid for a period of one year and shall be renewed on the same terms and conditions three months prior to its expiry date.
- d. In the event the bank guarantee is not renewed as directed, the Registrar (Judicial) shall proceed to encash the bank guarantee and collect the money from the bank

without reference to the applicant.

- e. The Bank guarantee shall also provide for incremental interest on the amount sought to be withdrawn and which the bank is required to bring back upon further orders being passed in that respect.

- 4. Application stands disposed of.

A. K. MENON, J.