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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 531 OF 2019**

IN

APPEAL (L) NO. 161 OF 2019

John Distilleries Pvt Ltd	...Petitioner
<i>Versus</i>	
Brihan Maharashtra Sugar Syndicate Ltd	...Respondent

NOTICE OF MOTION (L) NO. 348 OF 2019

IN

APPEAL (L) NO. 161 OF 2019

John Distilleries Pvt Ltd	...Petitioner
<i>Versus</i>	
Brihan Maharashtra Sugar Syndicate Ltd	...Respondent

**Mr Aditya Bapat, with Nachiket V Khaladkar, for the
Applicants/Appellants.**
Mr RR Salvi, i/b Robin Thomas, for Respondent.

**CORAM G.S. Patel &
Madhav J. Jamdar, JJ.**
DATED: 1st April 2022

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1. Notice of Motion No.531 of 2019 seeks to condone a delay within a period that can be condoned. The delay is condoned. The Appeal will be finally numbered.

2. There is a second Notice of Motion (L) No. 348 of 2019 which also to be finally numbered. It seeks a stay on the impugned award dated 20th December 2014. This award was challenged by the Appellant in Arbitration Petition No. 874 of 2015. That Arbitration Petition under Section 34 was dismissed by the learned Single Judge of this Court on 14th January 2019. The award against the Appellant is in the amount of Rs.64,08,685.82 with cost of Rs.2,45,000/-. Interest was awarded on the principal amount of Rs.64,08,685.82 at the rate of 18% per annum from the date of the award (20th December 2014).

3. We are not prepared to grant an unconditional stay of the award. We believe learned counsel for the Respondent is correct that Appellants must be put to terms. He suggests a deposit of 2/3 of the award amount and with interest computed to date. This is reasonable.

4. Execution and enforcement of the impugned award is stayed upon the Appellants depositing with the Prothonotary and Senior Master 2/3rds of the award amount along with interest computed as awarded until today. This deposit is to be made by 30th April 2022. If the deposit is not made by that date, this stay will stand vacated without further reference to the Court.

5. If the deposit is made, liberty to the Respondent to file its own IA thereafter for a withdrawal.

(Madhav J. Jamdar, J)

(G. S. Patel, J)