

SA Pathan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9090 OF 2023

SHABNOOR
AYUB
PATHAN

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The State of Maharashtra

... Petitioner

V/s.

M/s. B T Patil & Sons

... Respondent

Mr. Sachin H. Kankal, AGP, for the State- Petitioner.

Mr. Mandar Soman, for the Respondent.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 24, 2023

P.C.:

1. The challenge in this petition is to the order dated 21 December 2022, passed by the District Judge – 2, Commercial Court, Gadhinglaj in Execution Petition No.26 of 2007, Arbitration R. D. No.2 of 2019.

2. On considering paragraph 15 of the order, it appears that the calculation was done by the executing Court in furtherance of the order of Supreme Court treating amount of Rs.7,05,79,315.14/- as per principal amount.

3. On perusal of award, it appears that the principal amount admitted by both the parties is Rs.1,59,51,120. Therefore, it was necessary for the executing Court to recalculate the interest as directed by the Apex Court on the principal amount of

Rs.1,59,51,120/-. The interest shall be calculated up to the decision of Apex Court i.e. 20 September 2022.

4. All contentions of the parties are kept open to be urged before the executing Court.

5. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)