

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SATISH
RAMCHANDRA
SANGAR

WRIT PETITION NO.15392 OF 2024

Digitally signed by
SATISH RAMCHANDRA
SANGAR
Date: 2024.11.12
18:00:04 +0530

L & W Building Solutions Pvt. Ltd.

...Petitioner

V/s.

Vilas Enterprises & Anr.

...Respondents

Mr.Ravindra Vishnu-Laxmi Sankpal a/w Mr.Chanchal Singh i/b. R.V.Sankpal & Associates:-	Advocates for Petitioner.
Mr.Chaitanya B. Nikte a/w Mr.Prajit S. Sahane:-	Advocates for Respondent No.1.

CORAM : S. M. MODAK, J.

DATE : 11th NOVEMBER 2024

P. C. :-

1. As per the *praecipe*, matter is taken on board.
2. Heard both the sides. Read the order dated 30th October 2024.
The order refusing condonation of delay passed by the District Court in a proceeding initiated under Section 34 of the Arbitration and Conciliation Act, 1996 is challenged. Learned Advocate for Respondent No.1 is having an objection to maintainability of the Writ Petition. This issue is also kept open as per the order dated 30th October 2024.

3. Learned Advocate Mr.Nikte wants to rely upon the latest judgment delivered by Hon'ble Supreme Court on this aspect on the point of remedy to challenge the order passed in a proceeding under Section 34 of the said Act. He may give copy of that judgment to other side. When the Writ Petition will be heard, this contention will be considered. Even, the Petitioner is at liberty to rely upon any judgment, if they so desire.

4. It is true that a Demand Draft of Rs.65,00,000/- (Rupees Sixty Five Lakh) was handed over on 30th October 2024. Today, the proceedings are not before me. Let, the Petitioner to verify about that Demand Draft from the Office and they are at liberty to produce it before the Registrar for encashment.

5. There is one more contention by Mr.Nikte. It is about non deposit of 75% of the awarded amount and according to him, that is a condition precedent for filing an appropriate proceeding.

6. Today, the papers are not before me. So, let the Petitioner to ascertain the provisions of law and to comply accordingly. Stay to continue till next date. The Respondents are already given a liberty to take out an Application for withdrawal of the amount.

7. Stand over to **26th November 2024**. To be listed “**High on Board**”.

[S. M. MODAK, J.]