



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

**INTERIM APPLICATION NO. 13744 OF 2024
IN
ARBITRATION APPEAL NO. 75 OF 2024**

PRAVIN V. KIDEY ..APPLICANT

IN THE MATTER BETWEEN

M/S SPACE AGE ASSOCIATES POWER
INFRA PRIVATE LIMITED ..APPELLANT
VS.
M/S SKIPPER ENGINEERS AND ORS. ..RESPONDENTS

**ALONG WITH
INTERIM APPLICATION NO. 13745 OF 2024
IN
ARBITRATION APPEAL NO. 75 OF 2024**

VIJAY M. NESNATKAR ..APPLICANT

IN THE MATTER BETWEEN

M/S SPACE AGE ASSOCIATES POWER
INFRA PRIVATE LIMITED ..APPELLANT
VS.
M/S SKIPPER ENGINEERS AND ORS. ..RESPONDENTS

Mr. V. A. Shastry, for the Applicants.

Mr. Tukaram Shendge, for the Respondent in Interim Applications and for the Appellant in ARA/75/2024.

Mr. Rahul Motkari a/w Mr. Manish Modak, for Respondent No.1 in ARA/75/2024.

**CORAM : M. S. SONAK &
JITENDRA JAIN, JJ.**

DATE : OCTOBER 17, 2024

P.C.:

1. Heard learned counsel for the parties.
2. These applications are for rectification of our order Dated 15 July 2024 in Interim Application No. 10176 of 2024.
3. Mr Shastry, learned counsel for the applicants, submitted that the award, which is challenged in the Arbitration Appeal No. 75 of 2024 had directed the appellant in the appeal to pay the original claimant and respondents 2 and 3 to the arbitration proceedings i.e. applicants herein a sum of Rs.2,82,72,645/- “each” along with the interest at the rate of 18% from 15 June 2022 till realisation. He submitted that this is clear from the reading of paragraph No. 7 of the award (at page 54 of the paper book)
4. Mr Shastry submitted that the order dated 15 July 2024, which is now sought to be modified, directs the appellant in the appeal to deposit Rs.3,50,00,000/-. He submits that this amount is towards securing the above award favouring M/s. Skipper Engineers i.e. claimant before the Arbitrator. Mr Shastry states that an equivalent amount should have been directed to be deposited to secure the claim of original respondents 2 and 3 in the arbitration proceedings i.e. applicants herein. Mr Shastry submitted that should there be any inconsistency between the

operative portion of the award and the main body of the award, such inconsistency has to be construed harmoniously. He submitted that a greater credence is to be given to the discussion in the body of the award.

5. Admittedly, the award does not refer to the appellant in arbitration appeal being required to pay to the claimant and respondents 2 and 3 (applicants herein) an amount of Rs.2,82,72,645/- “each” along with the prescribed interest. The crucial word “each” is missing. To day, the applicants have not taken any steps concerning the award.

6. Arguments about the interpretation of the award could always be considered at an appropriate stage. However, based on such arguments, no case is made for modifying our order dated 15 July 2024. The scope of an application seeking modification is minimal. In deference to such limited scope, we do not think it would be appropriate to entertain such arguments at this stage.

7. These applicants are rejected. But Mr Shastry’s contentions about harmonious construction of the award etc. are kept open.

8. No costs.

(JITENDRA JAIN, J.)

(M. S. SONAK, J.)