

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

APPEAL NO.55 OF 2024

John Peter Fernandes

....Appellant

versus

Ramakant Ramchandra Ghanate & Anr.

....Respondents

Mr. Rishabh Shah with Mr. Anshul Anjarlekar and Ms. Manshi Thakkar i/b M/s. Raval Shah & Co. *for Appellant.*

Mr. Amrut Joshi with Mr. Yazad Udwadia and Mr. Shravan Purohit i/b Mr. Nikhil Mishra *for Respondents.*

**CORAM: ALOK ARADHE, CJ. &
SANDEEP V. MARNE, J.**

DATE : 17 JUNE 2025.

P.C.:

1. This Appeal under section 37 of the Arbitration and Conciliation Act, 1996 (the Act) is directed against the order dated 23 March 2023 passed by the learned Single Judge of this Court in Petitions under section 34 of the Act namely Arbitration Petition (L) Nos.24217 of 2022 and 355 of 2022. The learned Single Judge of this Court by the aforesaid impugned order has dismissed the Arbitration Petition (L) No.24217 of 2022 filed by the Appellant whereas Cross Objection filed by Respondents namely Arbitration Petition No.355 of 2022 has been dismissed and Arbitration Petition filed by Respondent namely Arbitration Petition (L) No.24217 of 2022 has been allowed.

2. Dispute in this Appeal only pertains to refund of Rs.6.5 lakhs alongwith interest at the rate of 8% per annum.
3. Learned counsel for the Appellant during the course of submissions pointed out that the Appellant would be satisfied if the award passed by the Arbitral Tribunal dated 31 March 2022 is executed, which in other words mean that the direction to refund sum of Rs.6.5 lakhs alongwith interest at the rate of 8% per annum is maintained.
4. It is further submitted that Appellant is ready and willing to withdraw the Arbitration Petition No.355 of 2022 filed by him in case the Respondent also withdraws the Arbitration Petition (L) No.24217 of 2022 filed by him under section 34 of the Act.
5. In view of the aforesaid submissions, learned counsel for the Respondents prays for short accommodation to seek instructions.
6. List tomorrow i.e. on 18 June 2025.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)