

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION APPLICATION NO.137 OF 2024

Pankaj Madaan

...Applicant

Versus

Health Assure Pvt. Ltd.

...Respondent

Ms Manini Bharati *i/b. Suyash More, Advocate for Applicant.*

Mr. Shamant Satiya *i/b. Pravin Patil, Advocate for Respondent.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : FEBRUARY 27, 2025

PC :

1. By an Order dated February 20, 2025, this Application under Section 11 of the Arbitration and Conciliation Act, 1996 (***“the Act”***) was disposed of with costs, appointing an Arbitral Tribunal. By that order, it was stated that the status under Arbitration Petition (L) No. 28717 of 2023 (***“Section 9 Petition”***) would be ascertained by listing it.

2. Today, the Petition under Section 9 has not been listed while the disposed of Section 11 Petition has been listed. When the matter is called out, by consent the Section 9 Petition was taken up for hearing.

3. Learned Counsel for the Respondent submits that the amount of Rs.9,18,648/- (Rupees Nine Lakhs Eighteen Thousand Six Hundred Forty Eight Only) as had been directed by a Learned Single Judge of this Court by an Order dated March 28, 2024 had actually been deposited on April 11, 2024.

4. In these circumstances, the amount lying in this Court shall abide by the outcome of the arbitral proceedings. The parties shall be at liberty to approach the Arbitral Tribunal appointed by the Order dated February 20, 2025 seeking withdrawal of such amount and such other interlocutory measures as advised.

5. The Section 9 Petition being Arbitration Petition (L) No. 28717 of 2023 is hereby ***finally disposed of***. Registry must note that the Section 11 Application too has been finally disposed.

6. All actions required to be taken pursuant to this order, shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]