
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION PETITION NO.90 OF 2025

Suraksha Realty Limited ...Petitioner

Versus

Ravindra Bharti Education Society ...Respondent

Mr. Rohit Agarwal *a/w Vinod Kothari, shitij Parekh i/b Apex
LAW Partners for the Petitioner.*

Appearance not received for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 8, 2025

PC :

1. A prayer in this Petition is to enable amounts deposited as a condition in an anticipatory bail order being accessed in exercise of this Court's jurisdiction under Section 9 of the Arbitration and Conciliation Act, 1996. A plain reading of the order passed in the relevant anticipatory bail proceedings would show that the Bench that granted anticipatory bail made it clear that the amount was to be left untouched unless there was a settlement between the complainant and the accused.

2. Today, there is no settlement between the complainant and the accused. On the contrary, there is an arbitral award in favour of the Petitioner in these proceedings.

3. Consequently, after the matter was argued for some time, Learned Counsel for the Petitioner submits that he would move the Bench that passed the anticipatory bail order or the relevant roster Bench, and seek a modification of the condition that the amount deposited as a condition for anticipatory bail may be utilized towards securing the arbitral award under the Section 9 of the Act.

4. With liberty to do so, stand over to ***May 6, 2025***.

5. 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.]