

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

INTERIM APPLICATION NO.2542 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO.18 OF 2023

CHANDRASHEKHAR)...APPLICANT

IN THE MATTER BETWEEN

CHANDRASHEKHAR)...JUDGMENT CREDITOR

V/s.

THE BRIHANMUMBAI ELECTRIC SUPPLY)
AND TRANSPORT UNDERTAKING)...JUDGMENT DEBTOR

Mr.Amogh Singh a/w. Mr.Aditya Upadhyay i/by Ms.Jeenal Upadhyay,
Advocate for the Applicant.

Mr.Akshay Suresh i/by Ashwin Ankhad & Associates, Advocate for the
Respondent.

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CORAM : ABHAY AHUJA, J.

DATE : 30th JUNE 2025

P.C. :

1. This Interim Application seeks withdrawal of the amount that
was directed to be deposited vide order dated 25th November 2024.

2. Mr.Akshay Suresh, learned Counsel, appears for the Respondent
and submits that in compliance with the said order, a sum of
Rs.4,42,36,000/- has been deposited in this Court.

3. Mr.Amogh Singh, learned Counsel appearing for the Applicant, submits that since the Applicant is 77 years old and is suffering from various ailments of heart and also has diabetes, this Court may permit withdrawal of the amount, in as much as, till date no stay has been obtained, although a Petition under Section 34 of the Arbitration and Conciliation Act, 1996, has been filed.

4. Mr.Suresh for the Respondent submits that an undertaking to bring back the amount be taken, considering the fact that Petition under Section 34 of the Arbitration and Conciliation Act, 1996 is pending and that this Court may pass appropriate orders.

5. Having heard the learned Counsel and having considered the submissions, this Court is of the view that withdrawal of the amount deposited in this Court can be permitted subject to the outcome of the pending Petition under Section 34 of the Arbitration and Conciliation Act, 1996.

6. Accordingly, the following order is passed :

ORDER

- (i) Let the amount of Rs.4,42,36,000/- lying with the Prothonotary & Senior Master of this Court be permitted to be withdrawn upon an application made in this behalf by the Applicant, subject ofcourse, to an undertaking to bring back the amount along with interest in the event the Respondent BEST Undertaking succeeds in the Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996.
- (ii) The Application accordingly stand allowed and disposed as above.

(ABHAY AHUJA, J.)