

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

**INTERIM APPLICATION NO. 4445 OF 2025
IN
WRIT PETITION NO. 2399 OF 2011**

Mahanagar Telephone Nigam Ltd. ... Applicant
Versus
Euro Vistaa Trading Company Ltd. ... Respondent

Ms. Dikshita Gupte for the Applicant-MTNL.
Mr. Dileep Satale a/w Ms. Reshma Thikar i/by Anand Kumar &
Daulat Jahangir for Respondent.
Mr. Suryakant Adhate, MTNL Legal Officer, present.

**CORAM: MANISH PITALE, J.
DATE : 6th OCTOBER 2025**

P.C. :

. This application has been filed by the original respondent-MTNL for withdrawing the amount deposited by the original petitioner i.e. Euro Vistaa Trading Company Ltd.

2. The writ petition challenged an arbitral award dated 22nd August 2011 passed in favour of the applicant. On 29th March 2012, Rule was granted in the petition. The award was stayed subject to the awarded amount being deposited by the original petitioner. The said amount was indeed deposited and it lay in deposit with this Court.

3. It is undisputed that on 24th April 2024, the writ petition

stood dismissed for want of prosecution. Since the petition stood dismissed, the applicant has made this application for withdrawal of the amount deposited by the original petitioner.

4. The learned counsel for the petitioner submits that an opportunity may be granted to respond to the present application, indicating that the copy of the application was not served.

5. On a pointed query put to the learned counsel for the original petitioner as to whether any application has been filed till date for restoration of the writ petition, the response was in the negative. It is about one year and six months ago that the writ petition was dismissed and the original petitioner did not take any steps in that regard.

6. The arbitral award was passed in favour of the applicant as far back as on 22nd August 2011. It has been waiting to enjoy the fruits of the arbitral award. The writ petition having been dismissed about one year and six months ago, there can be no impediment in allowing the present application.

7. It was sought to be indicated on behalf of the original petitioner that an application for restoration of the writ petition can be moved. Even if that be so, the present application deserves to be allowed in the interest of justice.

8. In view of the above, the application is allowed in terms of prayer clause (i).

9. Consequently, the Registry is directed to ensure that the amount deposited by the original petitioner in these proceedings is disbursed in favour of the applicant (original respondent No.1), along with accrued interest, if any, within a period of four weeks from today.

MANISH PITALE, J.