



WEB COPY



A.No.2441 of 2025

Application No.2441 of 2025
in
Arb.O.P.(Com.Div.) No.594 of 2022
and
Arb.O.P.Nos.507 and 593 of 2022

ABDUL QUDDHOSE, J.

This application has been filed seeking to stay the enforcement of the arbitral award, which is the subject matter of challenge in Arb. O.P.(Com. Div.) No.594 of 2022.

2. A submission has been made by the learned counsel for the respondents through video conferencing that before the Executing Court on a request made by the applicant / petitioner, the attachment order was modified by the Executing Court restricting the attachment to four properties alone instead of five properties for which attachment was sought for by the respondents at the first instance. Therefore, he would submit that the present application is not maintainable.

3. At this stage, if the applicant is seeking for stay of enforcement of the impugned arbitral award, they will have to necessarily secure the entire awarded amount as per the impugned arbitral award by depositing the money to the credit of the respective petitions. The applicant cannot



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blow hot and cold. Before the Executing Court having succeeded in modifying the order of attachment by an order passed by the Executing Court, which restricted the order of attachment obtained by the respondents to four properties alone instead of five properties for which the respondents had earlier sought for attachment, the applicant cannot seek stay of the enforcement of the arbitral award through this application, when the arbitration O.P. viz. Arb. O.P. (Com. Div.) No.594 of 2022, challenging the impugned arbitral award has been filed as early as in the year 2022 itself.

4. On 12.06.2025, the learned counsel for the applicant sought time to get instructions as to whether the applicant will be in a position to deposit the entire awarded amount to the credit of these petitions to obtain stay of enforcement of the impugned arbitral award.

5. Today, the learned counsel for the applicant submits that the applicant as on date is not in a position to deposit entire awarded amount to the credit of these petitions. Therefore, the question of granting stay as prayed for in this application does not arise. The contention of the



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learned counsel for the applicant has to be rejected. Accordingly, this application is dismissed.

Post the Arb.O.Ps. for arguments on 21.07.2025.

rkm

19.06.2025



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