APHC010423882026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

WEDNESDAY, THE 4th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

CIVIL REVISION PETITION NO: 2258 OF 2026

Between:

1. VB Cold Storage Private Limited, Represented by its Director Badam Krishna Murthy, Rio. Rajula Tallavalasa village, Bheemili Mandal, Visakhapatnam District.

...PETITIONER

AND

1. Bajaj Allianz General Insurance Company Limited, Represented by its Authorized Signatory,having its Office at Ill-Floor, Peejay Plaza,VIP Road, Visakhapatnam.

2. Justice DrSiva Sankara Rao, Former High Court Judge, Telangana Quoram of the Tribunal Sole Arbitrator, Behind Tobacco Board, Guntur 2nd Respondent being Arbitrator joined as proforma party only and no relief is claimed against him

...RESPONDENTs

Petition under Article 227 of the Constitution of India/ Section 115 of CPC ,praying that in the circumstances stated in the grounds filed herein the High Court may be pleased to prayed that this Hon'ble Court may be pleased to allow the revision while setting aside the Order

dated.09.05.2025 passed in I.A No. 871 of 2024 in AOP.No.13 of 2024 on the file of Hon'ble Principal District Judge

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further Proceedings in Order dated 09.05.2025 Passed in I.A No. 871 of 2024 in AOP.No. 13 of 2024 on the file of Hon'ble Principal District Judge, Visakhapatnam Pending disposal of the Present Civil Revision Petition and Pass

Counsel for the Petitioner: CKR ASSOCIATES

Counsel for the Respondents:

The Court made the following order:

ORDER:

The present Revision has been filed aggrieved by the orders in I.A.No.871/2024 in A.O.P.No.13/2024 dated 09.5.2025 before the learned Principal District Judge, Visakhapatnam.

2. In the above said I.A.No.871/2024 in A.O.P.No.13/2024 dated 09.5.2025 before the learned Principal District Judge, Visakhapatnam, the respondent/petitioner filed an application under Section 36(2) of Arbitration and Conciliation Act 1996 read with Section 151 CPC for grant of stay of execution of the award dated 15.12.2022. The said application was considered and disposed of vide impugned order. On perusal of the said order, there is no reference about service of notice on the respondents and their appearance. Apart from that the I.A. is allowed with the following observations.

> *"In view of the facts and circumstances of the case, this Court considering the deposit already made by the petitioner, stay is granted on execution of the Award till disposal of the A.O.P.No.13/2024 and the claimant who is the respondent herein is at liberty to withdraw the deposited amount by furnishing solvent security to the Commercial Court, Visakhapatnam. Accordingly, this petition is allowed."*

3. On perusal of the entire order, there is no mention about the amount which was already made by the petitioner. When they have made and how much amount they have deposited is silent. Further though the Court has observed findings of the Hon'ble Apex Court in ***M/s. Balmer Lawrie & Co. Ltd., vs. M/s Shilpi Engineering Pvt. Ltd***[1]

[1] 2024 (0) Supreme (Bom) 404

and in ***Manish vs. Godawari Marathawada Irrigation Development Corporation*** [2] wherein the Hon'ble Apex Court has held that entertaining application under Section 36(2) of the Act, 100% of amount shall be paid. But in this case, this Court do not find how much amount was deposited or paid by the respondent/petitioner and no finding with regard to that effect.

4. In view of no findings on the facts as well as on the law, this Court found that the impugned order would not stand for legal scrutiny.

5. Accordingly, the impugned order dated 09.5.2025 in I.A.No.871/2024 in A.O.P.No.13/2024 before the learned Principal District Judge, Visakhapatnam is set aside, remanding the matter to the trial Court for fresh consideration on merits after providing an opportunity to both parties.

6. The Civil Revision Petition is allowed. No costs.

As a sequel thereto, interlocutory applications pending, if any, shall also stand closed.

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JUSTICE D.RAMESH

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JUSTICE A. HARI HARANADHA SARMA

04.11.2026
RD

[2] Special Leave to Appeal (C) Nos.11760-11761/2018

THE HONOURABLE SRI JUSTICE D RAMESH

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

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RD