



CIVIL M.A. NO. 1199/2017

MHPU010158752017

Union of India Vs.

M/s Arun Kumar Deedwania

ORDER BELOW EXH.15

1] Applicant has filed this application particularly under Section 36 of the Arbitration and Conciliation Act, 1996 with prayer to stay the operation of the Arbitral Award dated 18.09.2017.

2] Application is strongly opposed on behalf of respondents that now the present application is pending for final hearing and on this belated stage present application is moved particularly when respondents have made it clear that they are not going to press the execution petition before executing court. If stay as prayed is granted then definitely applicant will prolong the hearing of main application. So, it is submitted that instead of granting stay as prayed the hearing of main application be expedited.

3] Heard arguments of both parties.

4] Admittedly award under challenge is came to be passed on 18.09.2017 and in the year 2017 itself the present Section 34 application is filed. It is also matter of record that respondents have filed execution petition in the year 2022.

5] Admittedly present applicant is ready for final hearing. Now question comes, if respondents are not going to press the

execution petition, then whether it is necessary to stay the operation of award. However, Ld. Adv. Ratnaparakhi has submitted that grant of stay to the execution of award as per Section 36(2) of the Act is not depend upon whether execution petition is filed or not. However, this independent right of applicant to get stay the award passed against it. Further Adv. Shri. Ratnaparakhi had made it clear that he is ready to deposit an amount of award and thereby the interest of respondents will be secured. So, having considered rival submissions of both parties, in my view, following order would meet the ends of justice.

ORDER

- 1] Application is allowed.
- 2] Operation and execution of Award dated 18.09.2017 is hereby stayed subject to deposit of Rs. 34,64,723.40/-
- 3] The final hearing of present application is hereby expedited.
- 4] Both parties are directed to start with arguments on next date without fail as this Court will decide the present main application within the period of three months from today.

Date : 03.04.2024

(Sunil G. Vedpathak)
District Judge-2, Pune.

CERTIFICATE

I affirm that the contents of this P.D.F file judgment are same word for word as per original Judgment.

Name of steno	:	Shri. Anis E. Deshmukh (Stenographer Grade-III)
Name of the Court	:	Shri. Sunil G. Vedpathak District Judge-2, Pune
Date of Order	:	03.04.2024
Order signed by P.O. on	:	04.04.2024
Order uploaded on	:	06.04.2024