

MHRT010007872024



IN THE COURT OF DISTRICT JUDGE-1, RATNAGIRI

(Presided by Shri. A. M. Ambalkar, District Judge-1, Ratnagiri.)

Special Darkhast No. 29/2024

Pratapsingh Appasaheb Sawant

DH

versus

State Tourism Development Corporation
Ltd. Through The Director of Maharashtra

JDs

COMMON ORDER BELOW EXH.37, 38, 40 & 41

(Passed on 16/04/2025)

(1). By these applications, the learned Collector, Ratnagiri sought stay to the execution of Arbitration Award. It is submitted that the Arbitration Award has been challenged before this Court by filing petition under section 34 of the Arbitration and Conciliation Act, 1996. This Court dismissed the said application. Thereafter the respondent no.3, Collector, Ratnagiri challenged the said order before Hon'ble High Court. On behalf of MTDC., Ld. Advocate Shri. Jaygade submitted that the MTDC challenged the Award itself before Hon'ble Bombay High Court and it is

pending and the matter is fixed for hearing on 17/04/2025 wherein the MTDC also sought stay to the execution of Arbitration Award.

(2). Learned AGP Shri. Phansekar submitted that to prefer an appeal by State requires a lengthy process i.e., obtaining permission from Secretariat wherein various government officers are involved and for that reason to some extent delay has been caused. However, now the stamp is deposited, appeal is filed with delay condonation application wherein the interim application has also been filed for interim relief of stay which is pending for Circulation Order on 21/04/2025. He further submitted that on that date, the appellant is pressing for certain interim reliefs. He further submitted that the immovable property has been attached as per order passed by this Court and for recovery of amount of Award, the order of attachment of movable properties has been issued. He further submitted that the movables of Office of Collectorate were going to be attached and if such attachment is done, it would be disrepute and disrespect of the office of Collectorate for entire District. He further submitted that substantial question has been raised before the Hon'ble High Court. He invited my attention towards the judgment of Hon'ble Bombay High Court and submitted that if matter is pending before High Court, the Trial Court should keep its hands away for reasonable period.

(3). Learned advocate Shri. Chindarkar vehemently submitted that the attachment order for movables has been given to execute money decree and there is no provisions to stay the money decree. He relied upon the judgment of Hon'ble Apex Court i.e., **International Seaport Dredging Pvt Ltd Vs. Kamarajar Port Limited in Civil Appeal No.12097 of 2024 (Arising out of SLP (C) No 25369 of 2024) decided on 24/10/2024** wherein the directions appears to have been given to furnish bank guarantee of amount along with direction to deposit proportionate amount and thereafter the execution appears to have been stayed. The Hon'ble Apex Court has also observed that under Order XLI, Rule 5 of CPC, the Court has the power to direct full or part deposit and/or the furnishing of security in respect of the decretal amount. In the present matter, it is material to note that this stay has been sought by the executing Court itself and not by the appellate Court and the State is seeking Stay for short period and it has shown sufficient material to indicate that the State is taking sincere efforts to challenge the order passed by this Court by referring stamp, writ petition etc.. Therefore considering aforesaid facts and circumstances, I am of opinion that short term stay can be granted in favour of respondent no.3.

(4). The respondent no.3 prayed to grant stay around 15 weeks considering the forth coming vacation, I am of opinion that this Court already has given sufficient time previously, still more time can be given to the State. Hence, I proceed to pass following order.

ORDER

1. The execution is hereby stayed till 8 weeks i.e., till 11th of June 2025.

Date :- 16/04/2025

**(A. M. Ambalkar)
District Judge-1, Ratnagiri.**

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Case Number		Special Darkhast No.29/2024
Name of Stenographer	:-	Mr. R. G. Rahate
Name of Court	:-	District Judge-1, Ratnagiri
Date of Dictation on computer	:-	16.04.2025
Order signed by the P.O. on	:-	16.04.2025
Order uploaded on	:-	19.04.2025