

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE NO: C.M.A. NO.518 OF 2023

PROCEEDINGS SHEET

| SL. NO. | DATE | ORDER | OFFICE NOTE |
|----------------|-------------|---|--|
| 8. | 06.08.2025 | <p><u>MB,J & GPK,J</u></p> <p>Mr. Sunil B. Ganu, learned Senior counsel representing Mr. Jai Kishan Solanki, learned counsel for the appellant.</p> <p>Mr. D. Pavan Kumar, learned counsel appearing for the respondent.</p> <p style="text-align: center;"><u>I.A. No.1 of 2025</u></p> <p>After hearing learned Senior counsel appearing for the appellant/Award-debtor and learned counsel appearing for the respondent/Award-holder, the only issue which is required to be decided is whether the respondent can ask for withdrawal of the amount deposited by the Award-debtor i.e., Rs.62,93,424/- in the present appeal or seek withdrawal of the said amount from the Trial court.</p> <p>We are informed that the respondent had filed an application on 05.10.2018 during pendency of C.O.P. No.14 of 2018 (Section 34 application filed by the Award-debtor/appellant). However, the respondent is presently facing difficulty in pursuing this application for withdrawal of the said amount.</p> <p>We are informed that there is no stay of the Award as on date since the appellant could not deposit the amount directed by the Court i.e., Rs.1.83 crores. The appellant could only deposit an amount of Rs.62,93,424/- in nominal satisfaction of the order. The appellant's petition for setting aside of the Award was dismissed by the impugned order dated 02.08.2022.</p> | <p><i>Transferred to IO folder before corrections</i></p> <p>Contd....</p> |

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| | | <p>We accordingly grant liberty to the respondent to file an appropriate application for withdrawal of the amount deposited by the appellant i.e., Rs.62,93,424/- in the learned Commercial Court. The Commercial Court is directed to consider this application and dispose it of within two weeks from the date of filing of the application.</p> <p>Since we are informed that the Presiding Officer is not present, the in-charge Court is directed to dispose of the application on the same terms as stated above.</p> <p>I.A. No.1 of 2025 is accordingly allowed and disposed of.</p> <p style="text-align: center;"><u>I.A. No.2 of 2025</u></p> <p>Learned Senior Counsel appearing for the appellant seeks leave to convert the CMA to COMCA. It is submitted that there is no delay in filing of the COMCA even under Section 13(1) of the Commercial Court Act, 2015, since the copy application was made on 11.08.2022, the certified copy was served on 16.05.2023 and the present CMA was filed on 03.07.2023.</p> <p>Accordingly, the Registry is directed to take steps for conversion of the CMA to a COMCA.</p> | <p style="text-align: right;">Contd....</p> |

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| | | <p data-bbox="737 260 1089 296" style="text-align: center;"><u>CMA No.518 of 2023</u></p> <p data-bbox="493 338 1333 428" style="text-align: center;">List the appeal on 08.09.2025 as prayed for on behalf of both the parties.</p> <p data-bbox="1182 491 1268 527" style="text-align: right;">_____ MB,J</p> <p data-bbox="1170 638 1279 674" style="text-align: right;">_____ GPK,J</p> <p data-bbox="493 737 578 772">MRKR</p> | |