

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMM ARBITRATION PETITION NO. 414 OF 2018
WITH
COMM DIVN CHAMBER SUMMONS NO. 99 OF 2019
AND
COMM DIVN CHAMBER SUMMONS NO. 100 OF 2019**

Imax Corporation ...Petitioner
Versus
E-City Entertaining (I) Pvt Ltd & Ors ...Respondents

Mr Sandeep Parikh, *with Rahul R Mahajan & Meeta Kadhi, i/b Fortitude Law Associates, for the Petitioner.*
Mr Yakshay Chheda, *i/b Parinam Law Associates, for Respondent No. 1.*
Mr Krishna Shah, *with Sachit Kumar, i/b A&P Partners, for Respondents Nos. 2 and 3.*
Ms Sanaya Kapadia, *i/b Ajay Basutkar, for Respondent No. 4.*

CORAM: G.S. PATEL, J.
DATED: 14th January 2020

PC:-

1. I am shown an order of 10th January 2020 of the Hon'ble Supreme Court of India. The First Court has stayed the operation of an order and judgment dated 13th November 2019 of this Court

(GS Kulkarni J), which held that the claim of Imax Corporation, the Award holder, for enforcement of its foreign Award was not barred by limitation. Before me today is not the question of limitation at all, but a question of enforcement of the Awards under Sections 47 and 48 of the Arbitration and Conciliation Act 1996.

2. Mr Parikh for Imax Corporation submits that the Supreme Court order of 10th January 2020 does not stay the present hearings and there is no indication in the order of any such stay. What is stayed is the impugned judgment and order dated 13th November 2019 on the limitation issue.

3. It is true that there is no explicit stay of the present hearing under Sections 47 and 48 but I cannot lose sight of the fact that what is before the Supreme Court, viz., the question of limitation, is fundamental. Should the findings returned by the learned Single Judge of this Court be reversed, and Imax Corporation's claim to enforcement be held to be time-barred, nothing would remain to be decided under Sections 47 and 48. It is for this reason that I will simply adjourn the hearing. I am marking it as part-heard since I have fully heard Dr Tulzapurkar, learned Senior Advocate for Imax Corporation and Dr Saraf for the 1st Respondent and have yet to hear Mr Jagtiani and Mr Khambata for the other Respondents who have been arrayed as parties to this Petition.

4. List the matter on 21st January 2020.

(G. S. PATEL, J)