

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMM. CHAMBER SUMMONS NO. 78 OF 2017

IN

COMM. EXECUTION APPLICATION NO. 947 OF 2018

Gia (MSA) Holdings Ltd.

...Applicant

Versus

Katra Holdings Ltd. & Anr.

...Respondents

Mr. Yakshay Chheda for the Applicant/Claimant.

Mr. Chirag Kamdar with Ms. Madhu Chaudhary and Mr. Shashank Trivedi i/b. Naik Naik and Co. for the Respondent Nos.1 and 2.

CORAM : R.I. CHAGLA J
DATE : 8 October 2021

ORDER :

1. Heard learned Counsel for the parties.
2. Learned Counsel for the Applicant states that the Award which had been passed and for which the execution proceedings have been taken out are subject to challenge under Section 34 of the Arbitration and Conciliation Act, 1996 (**“the Act”**).
3. The Notice of Motion under Section 36 of the Act has also been filed. This has been referred to in order dated

22nd March 2021. It has been mentioned in the said order that the Applicant had pressed for prayer clause (a) of the Chamber Summons. However, considering that the Arbitration Court has still to pass an order in the Notice of Motion, this Court had recorded that it would be appropriate to await the order prior to granting any relief in the Chamber Summons. The Chamber Summons was adjourned by a period of four weeks to await the outcome of the order in the Application taken out under Section 36 of the Act.

4. Today when the matter has come up, it has been observed that the Arbitration Court has still to pass the order in the said Notice of Motion filed under Section 36 of the Arbitration and Conciliation Act, 1996 and thus, a period of four weeks have been sought for awaiting the order prior to granting any relief in the above Chamber Summons.

5. Accordingly, Chamber Summons is adjourned to 18th November 2021 to await the outcome of the Application taken out under Section 36 of the Act.

[R.I. CHAGLA J.]