



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
ARBITRATION PETITION NO. 559 OF 2017

Mulund Raviraj CHSL. ... Petitioner

Versus

Rupji Constructions and Anr. ... Respondents

Ms.Sushma Gor for Mr.Madhurkar Rupji.

CORAM : S.J. KATHAWALLA, J.
DATED : 4TH MAY, 2020
(IN CHAMBERS)

P.C.:

1. Not on board. Upon mentioning, taken on board.
2. Ms.Sushma Gor, Advocate appearing for Mr.Madhurkar Rupji on instructions undertakes to file her Vakalatnama on behalf of Mr.Madhurkar Rupji when the normal Court working opens. The undertaking is accepted.
3. Mr.Madhurkar Rupji has been convicted by the State Consumer Dispute Redressal Commission, Maharashtra State, Mumbai for a period of three years on 27th July, 2018 in Execution Application No. EA/16/38 to EA/16/54. He was transferred from Mumbai Central Prison to Taloja Central Prison, Navi Mumbai to undergo the said sentence on 28th July, 2018. He was also convicted in Execution Application No. EA/17/60 to undergo imprisonment for three years on 19th June, 2019. Along with



Mr.Madhukar Rupji, his son – Mr.Tejal Madhukar Rupji is also convicted.

4. Since this Court is attempting to amicably settle the disputes between the parties in the above Arbitration Petition, orders directing the Superintendent of Prison at Taloja Central Prison, Navi Mumbai to produce Mr.Madhukar Rupji and his son – Mr.Tejal Madhukar Rupji before the Court were passed from time to time. Accordingly, Mr. Madhukar and Mr. Tejal Rupji were produced before me from time to time. They were also represented by their Advocates and several orders have been passed by consent in the above Arbitration Petition.

5. Today, Advocate Sushma Gor has appeared in my Chambers and has informed me that though Mr.Madhukar Rupji has been granted bail by the State Consumer Dispute Redressal Commission, Maharashtra State, Mumbai, the Jail Authorities at Taloja have not released him on the ground that he is also required to be produced before this Court in the above Arbitration Petition and that the Superintendent, Taloja Central Prison has written a letter dated 28th April, 2020 to the Registrar General, Bombay High Court as well as the Prothonotary and Senior Master, High Court (Original Side) seeking direction whether Mr.Madhukar Rupji should be released in the above Arbitration Petition or not.

6. Since there is no order with regard to the detention of Mr.Madhukar Rupji or Mr.Tejal Rupji passed by this Court in the above Arbitration Petition, the Jail Authorities cannot detain Mr.Madhukar Rupji in prison after Mr.Madhukar Rupji have obtained bail from the State Consumer Dispute Redressal Commission, Maharashtra



State, Mumbai. This clarification is issued though the matter is not on board, since as recorded in the order granting bail Mr.Madhukar Rupji is 82 years old and his health condition is deteriorating.

7. Needless to add that Mr.Madhukar Rupji will abide by all the conditions set out in the order granting bail as well as the conditions required to be followed in view of the prevailing pandemic situation.

8. The undertaking given by Advocate Sushma Gor on instructions from Mr.Madhukar Rupji stating that Mr.Madhukar Rupji will remain present before the Court in Arbitration Petition as and when directed by the Court to do so, is accepted.

9. All concerned to act on an ordinary copy of this Order duly authenticated by the Personal Assistant of this Court.

(S.J.KATHAWALLA, J.)