

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION PETITION NO.1296 OF 2019
WITH
INTERIM APPLICATION NO.71 OF 2019

CIPLA Limited ... Petitioner / Applicant
Vs.
Su Kinn Global Healthcare Inc. ... Respondent

ALONG WITH

(Not on Board. Taken on Board)
COMMERCIAL ARBITRATION PETITION NO.1349 OF 2019
WITH
INTERIM APPLICATION NO.2652 OF 2020

Su Kinn Global Healthcare Inc. ... Petitioner / Applicant
Vs.
CIPLA Limited ... Respondent

Mr. Janak Dwarkadas, Senior Advocate a/w. Mr. Soli Cooper, Senior Advocate, Ms. Bindi Dave, Mr. Pradeep Bakhru and Ms. Labdhi Mehta i/b. Wadia Ghandy & Co. for Petitioner in CARBP/1296/2019 and for Respondent in CARBP/1349/2019.

Mr. Zubin Behramkamdin a/w. Mr. Bhupesh Dhumatkar, Ms. Meghana Lakhyani and Ms. Shivani Rane i/b. Mr. Raman Mishra for Respondent in CARBP/1296/2019 and for Petitioner in CARBP/1349/ 2019 & for Applicant in IA/2652/2020.

CORAM : MANISH PITALE, J.
DATE : JANUARY 04, 2023

P.C. :

. Mr. Behramkamdin, learned counsel appearing for the respondent informs this Court that the respondent has also filed a petition under Section 34 of the Arbitration and Conciliation Act, 1996, being aggrieved by the very same impugned award.

2. In the light of the aforesaid fact, Commercial Arbitration Petition No.1349 of 2019 is taken on Board. There is an amendment application filed in the said petition bearing Interim Application No.2652 of 2020.

The amendment has been moved in the light of the subsequent award being passed under Section 33 of the Act.

3. In the interest of justice, the said application for amendment is allowed. The amendment be carried out within two weeks from today. Interim Application No.2652 of 2020 is disposed of accordingly.

4. In the light of the fact that both the parties are aggrieved by findings rendered in the impugned award and there are arguable questions raised in the petitions, both the petitions are admitted.

5. Mr. Dwarkadas, learned senior counsel appearing for the petitioner in Commercial Arbitration Petition No.1296 of 2019 informs this Court that as per the order dated 23.12.2022, the petitioner in the said petition has already deposited the awarded amount. Therefore, the interim order granted on 23.12.2022 is made absolute and it will continue to operate during the pendency of the petition.

6. List for further consideration on 17.03.2023 at 2:30 p.m.

7. Pleadings to be completed in the meanwhile. Learned counsel for the parties shall also place on record brief notes of arguments along with compilation of judgments, if any, by 28.02.2023.

8. Learned counsel appearing for the parties submit that they shall make an endeavour to complete their arguments in 45 minutes each.

(MANISH PITALE, J.)