

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

INTERIM APPLICATION NO. 2726 OF 2025
IN
COMMERCIAL ARBITRATION PETITION NO. 149 OF 2025

Nishant Enterprises HUF

...Applicant/
Petitioner

Versus

Manjeet Singh T. Anand Proprietor Of M/s Victor
Infra

...Respondent

INTERIM APPLICATION NO. 5722 OF 2025
IN
COMMERCIAL ARBITRATION PETITION NO. 149 OF 2025

Manjeet Singh T. Anand Proprietor Of M/s Victor
Infra

...Applicant

Versus

Nishant Enterprises HUF

...Respondent

Mr. Rashmin Khandekar a/w Mr. Aniket Worlikar for Applicants in IA No. 5722 of 2025 and Respondent in CARBP No. 149 of 2025.

Mr. Nakul Jain a/w Mr. Sankalp Anantwar, Mr. Ronak Mistry i/b SMA Law Partners for Applicants in IA No. 2726 of 2025 and for Respondents in IA No. 5722 of 2025 and for Petitioners in CARBP No. 149 of 2025.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : January 05, 2026

P. C. :

1. This Interim Application has been preferred seeking permission to withdraw the amount of Rs. 22,25,000/- awarded as costs which

came to be deposited pursuant to order dated 22.04.2024 read with order dated 29.04.2025.

2. The Applicant is the original Respondent/creditor in whose favour the award has been passed. Paragraph 176 of the award directs Respondent No.1 to pay a sum of Rs.12,52,53,938/- to the claimant with simple interest @ of 10% per annum from the date of the award till actual payment. Clause (c) of paragraph 176 directs the Respondents to pay cost of Rs. 22,25,000/- to the claimant. It is stated that the Petitioner claims that the award directs the Petitioner No. 1 i.e. HUF to pay the amount of about Rs. 12,00,00,000/-, whereas, the Petitioner No. 2-Karta was directed only to pay the cost Rs. 22,25,000/-. The submission of the Petitioners is disputed by the award creditor, stating the direction for payments is to the HUF as well as the Karta including of costs.

3. Mr. Khandekar, learned counsel appearing for the Applicant/Respondent submits that pursuant to the order passed by this Court, the Petitioner No. 2, who is the Karta has deposited the sum of Rs. 22,25,000/- and this Court has stayed the execution of the award in so far as it relates to paragraph 176 (c). He submits that in so far as the award of Rs. 12,00,00,000/- is concerned, the same is the subject matter of execution proceedings in which the order is reserved as regards the payment of that amount either by Karta or by HUF. He

submits that despite the period of one and a half years having lapsed, the Respondent is unable to reap the benefits of the award. He submits that the Respondent is willing to file a personal undertaking in this Court, that in event, the Petitioners succeed, he will bring back the amount of Rs. 22,25,000/- which is deposited pursuant to the order of 22.04.2025.

4. Mr. Jain, learned counsel appearing for the Petitioners submit that the Respondent has admitted in the application that the joint award against both the Petitioners was only Rs. 22,25,000/- which implies an admission that the rest of the award is only against the Petitioner No. 1. He would submit that the Respondent has already received certain amounts towards the hiring of machine and that the title deeds of personal property of Petitioner No. 2 was approximately more than Rs. 5,00,00,000/- is also lying as security before the executing Court.

5. The award directs the Petitioners to pay cost of Rs. 22,25,000/- to the Respondent which is sought to be withdrawn by the Respondent. The issue as regards whether the amount of Rs. 12,52,53,938/- is to be paid by the HUF only and as to whether the liability of Rs. 22,25,000/- of cost is only imposed on Karta is the subject matter of final adjudication. At this stage, though the award has been passed on 30.11.2023, the Respondent has not been able to reap the

benefits of the award. The case put forward by the Petitioner No. 2-Karta, is that the Karta is imposed only with the obligation of payment of cost. Considering the said submission pending the adjudication of the petition finally, it would be appropriate if the Respondent is permitted to withdraw the sum of Rs. 22,25,000/- which is deposited in this Court, subject to a personal undertaking being filed that the Respondent would bring back the amount in event the petition succeeds. The personal undertaking of the Respondent to be filed on or before 19.01.2026. The copy of the undertaking to be served upon the learned counsel for the Petitioner.

6. List on 21.01.2026 under the caption 'for final hearing' .

[SHARMILA U. DESHMUKH, J.]