



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3052 OF 2026

The Maha. Agro Industries Devpt. Corp. Ltd., Thr. Dy. General Manager,
Suresh B. Sonawane

Vs.

M/S. Padgilwar Agro Industries, Thr. Its Partner, Tushar C. Padgilwar

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. C.S. Kaptan, Senior Advocate i/b. Mr. S.P. Rajurkar, Advocate for the Petitioner.
Mr. Makrand Rajkondawar, Advocate for Respondent.

CORAM: PRAFULLA S. KHUBALKAR, J.

DATED : 20th APRIL, 2026

1. Heard learned Senior Advocate for the petitioner as well as the learned counsel for the respondent.
2. Petitioner's challenge in the instant petition is to Order dated 02.03.2026 passed by the District Court, Nagpur in proceedings under Section 34 of the Arbitration and Conciliation Act, 1996 (for short "the Act") thereby, imposing condition of deposit of amount for grant of stay to the award passed by the Member Secretary, Micro & Small Enterprises Facilitation Council & Dy. Director of Industries, Nagpur Region, Nagpur. The petitioner has also challenged the order dated 06.04.2026 passed by the Trial Court thereby, rejecting its application for extension of time to comply the Order dated 02.03.2026 passed by the Trial Court in the same proceedings.
3. The main challenge raised by the petitioner in the application under Section 34 of the Act, is to an award passed by the Member Secretary, Micro & Small Enterprises Facilitation Council & Dy. Director of Industries, Nagpur Region, Nagpur,

directing the payment of amount of Rs.3,18,49,137.02/- towards the goods supplied by the respondent along with a direction to pay interest on delayed payment amounting of Rs.11,51,06,914/- under Section 16 of the Micro, Small and Medium Enterprises Development (MSMED) Act, 2006.

4. Feeling aggrieved by the said award, the petitioner filed an application under Section 34 of the Act, before the District Court wherein a separate application for grant of stay was also filed. This application was opposed by the respondent and thereafter, by an Order dated 02.03.2026 the District Judge has allowed the application subject to condition that the petitioner shall deposit 75% of the amount which comes to Rs.7,37,88,135/-. Thereafter, the petitioner has filed another application below Exh.18 seeking extension of time to deposit the said amount. After this application for extension of time to comply order dated 02.03.2026 also came to be rejected, the petitioner has filed the instant petition.

5. Perusal of the documents reveal that although the petitioner has raised the challenge to the order dated 02.03.2026 by which condition was imposed to deposit the amount, however, by the application at Exh.18 the petitioner has also sought for extension of time to comply with the order dated 02.03.2026. It appears that the petitioner has put forth certain reasons for seeking extension of time to deposit the amount which are not accepted by the Trial Court. Perusal of the application, shows that the reasons put forth were mainly with respect to the time consumed in compliance with the process of seeking approvals and permissions for making available the amount to be deposited.

6. In view of the controversy involved, since the petitioner has already filed an application at Exh.18 seeking extension of time to comply with the Order dated 02.03.2026, it is clear that challenge

to the Order dated 02.03.2026 is not required to be entertained. However, having regard to the grounds mentioned in the application for extension of time to deposit the amount in accordance with the Order dated 02.03.2026, I am of the opinion that in the interest of justice and considering the reasons mentioned in the application, the petitioner needs to be granted some more time to comply with the Order dated 02.03.2026 to deposit the amount as mentioned in the said order.

7. As such, although in the instant petition, the petitioner has raised a grievance against the Order dated 02.03.2026, the petition can be disposed of by granting further time to the petitioner to deposit the amount in accordance with the Order dated 02.03.2026.

8. Although, Advocate Mr. Rajkondawar, learned counsel for the respondent has opposed this request also, I find in the interest of justice that extension of time need to be granted by considering the reasons mentioned in the application. It has to be noted that all the contentions on merits raised by the parties are subject matter of adjudication in the proceedings under Section 34 of the Act, and at this stage, the controversy is only with respect to the extension of time to deposit the amount in accordance with the order passed by the Trial Court.

9. As regards, the direction to deposit the amount in accordance with the Order dated 02.03.2026, learned Senior Advocate submits that instead of directing the petitioner to deposit the amount, a direction to permit the petitioner to furnish bank guarantee of the said amount should suffice the purpose, however, the request is opposed by the learned counsel for the respondent.

10. It has to be noted that the earlier order passed by the Trial Court on 02.03.2026 clearly directs payment of deposit of the

amount and in view of the fact that the petitioner has filed an application at Exh.18 seeking extension of time to comply with the said order, without making any such request at the relevant time, the same cannot be considered at this stage.

11. In view of this, the writ petition is **disposed of** by setting aside the order dated 06.04.2026, with a direction to the petitioner to deposit the amount as per the Order dated 02.03.2026 within a period of four weeks from today. Accordingly, no further directions are required to be given with respect to the Order dated 02.03.2026.

(PRAFULLA S. KHUBALKAR, J.)

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