

Arbitration Case No.76 of 2014
a/w Arb.Case No.1 of 2005

8.5.2018

Present: Mr. Jyotirmay Bhatt, Advocate, vice counsel for the petitioner in Arb. Case No.1 of 2015 and for the respondent in Arb.Case No.76 of 2014.

Ms. Ambika Kotwal, Advocate, vice counsel, for the petitioner in Arb. Case No.76 of 2014 and for respondent in Arb, Case No.1 of 2015.

A perusal of paragraph 4, which stands extracted hereinafter, occurring in a judgment rendered by the Hon'ble Apex Court in case, titled as Goodyear India Limited Vs. Norton Intech Rubbers Private Limited and another, reported in 2012 (6) SCC 345, enjoins upon any entity receiving supplies, to, as pre-condition, of, the appropriate application, for setting aside decree, award or other order by the Arbitrator concerned, being hence heard, to, peremptorily without any waiver hence deposit 75% of the awarded amount. However, the aforesaid mandate is not meted compliance. Consequently, the mandate of the hereinafter extracted paragraph 4 of the judgment supra, be, meted compliance, within six weeks.

However, since in the hereinafter extracted paragraph 4 of the judgment supra, the supplier, uncontrovertedly whereof whom, is the respondent, is, not enjoined to make any deposit of 75%, of the amount decreed vis-à-vis it, as a pre-condition for hearing its application. Hence no insistence is made upon the petitioner/supplier, to, deposit 75% of the amount awarded vis-à-

vis, it, as a pre condition, for its apposite arbitration case, being heard by this Court.

“4. As will be noticed, Section 19 provides that no application for setting aside any decree, award or other order made either by the Council, appointed under the 2006 Act, shall be entertained by any court unless the appellant (not being a supplier) deposits with the Court seventy-five per cent of the amount in terms of the decree, award or as the case may be, the other order, in the manner directed by such court.”

List after six weeks.

Dasti copy.

May 8, 2018
(mamta/priti)

**(Sureshwar Thakur),
Judge.**