

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.7441/2000  
(From the judgement and order dated 04/04/2000 in MCA 69/2000  
of The HIGH COURT OF BOMBAY AT PANAJI)

CHINNA NACHIMUTHU CONSTRUCTIONS Petitioner (s)

VERSUS

STATE OF GOA Respondent (s)

(With prayer for interim relief)  
( For Final Disposal )

Date : 24/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK  
HON'BLE MR. JUSTICE U.C. BANERJEE

For Petitioner (s) Mr. F.S.Nariman,Sr.Adv.  
Mr. S.G. Desai,Sr.Adv.  
M/s. Triveni Poteker,Prashant Kumar,V.Balaji  
and Mr. A.T.M. Sampath,Advs

For Respondent (s) Mr. H.N. Salve,S.G.  
Mr. Bhimrao N.Naik,Sr.Adv.  
Ms. A.Subhashini,Adv.

UPON hearing counsel the Court made the following  
O R D E R

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The appeal filed under section 37(2) of the Arbitration and Conciliation Act, 1996 refusing to set aside an arbitral award is pending before the High Court. During the pendency of the appeal, the High Court having directed the appellant to re-deposit the money that has been withdrawn pursuant to the order dated 30th October, 1999 or in the alternative to furnish Bank guarantee, the present SLP has been filed. At the time of issuance of notice, this Court stayed the said direction of the High Court "subject to the petitioner's filing undertaking before the High Court along

- 2 -

with indemnity bond for securing the amount in dispute in appeal and also undertaking not to deal with or dispose of its immovable property except in the ordinary course of business and that too after permission of the appropriate Court." Mr. Nariman, the learned senior counsel appearing for the petitioners states that this undertaking has been duly complied with. Since the aforesaid undertaking has already been furnished in the High Court,without examining

the question of law raised we dispose of this SLP with the direction that the appeal of the State may be disposed of by the High Court within 4 months from today and this undertaking will remain binding till the disposal of the appeal. The SLP is disposed of accordingly.

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(Y.P.Dhamija)

(S. Malkani)@@

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