

ITEM NO.31 + 52

COURT NO.11

SECTION IX

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 (C) No(s). 8372/2016

(Arising out of impugned final judgment and order dated 09/03/2016 in AN No. 109/2015 09/03/2016 in CP No. 33/2013 passed by the High Court Of Bombay)

NEELKANTH KALINDI REALTORS PVT. LTD.

Petitioner(s)

VERSUS

URBAN INFRASTRUCTURE VENTURE CAPITAL LTD.

Respondent(s)

(with appln. (s) for exemption from filing c/c of the impugned judgment and interim relief)

WITH

SLP(C) No. 8548/2016

(With (With appln.(s) for appln.(s) for exemption from filing c/c of the impugned judgment and Interim Relief and Office Report)

WITH

SLP (C) No. 8848 of 2016

(with application for exemption from filing c/c of the impugned Judgment and interim relief and office report)

Date : 08/04/2016 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH  
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Mr. P. Chidambaram, Sr. Adv.  
Mr. C. A. Sundaram, Sr. Adv.  
Mr. K. V. Vishwanathan, Sr. Adv.  
Mr. Parimal Shroff, Adv.  
Mr. Mahesh Agarwal, Adv.  
Mr. Himanshu Satija, Adv.  
Ms. Parul Shukla, Adv.  
Mr. Satyendra Kumar, Adv.  
Mr. E. C. Agrawala, Adv.

For Respondent(s) Mr. Arvind P. Datar, Sr. Adv.  
Mr. C. U. Singh, Sr. Adv.  
Mr. Sandeep Junnarkar, Adv.  
Ms. Mumtaz Bandoowala, Adv.  
Mr. Pratap Venugopal, Adv.  
Mr. Arif Doctor, Adv.  
Ms. Surekha Raman, Adv.  
Ms. Niharika, Adv.  
for M/s. K. J. John & Co.

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

Since the learned Arbitrator is in seisin of the dispute, we make it clear that the learned Arbitrator shall proceed with the arbitration proceedings, uninfluenced by any of the findings or observations made by the High Court in the impugned order.

In case, the petitioner makes the payment of the principal amount of Rs. 59.44 crores to the sole respondent within a period of eight weeks from today, the Company Court shall not proceed with the impugned winding up proceedings.

We also make it clear that the arrangement, as above, is without prejudice to the rights and contentions available to both the sides.

In view of the above, the Special Leave Petitions are disposed of.

Pending interlocutory applications, if any, are disposed of.

(Jayant Kumar Arora)  
Sr. P.A.

(Renu Diwan)  
Court Master