

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).17518-17519/2011

(From the judgement and order dated 30/08/2010 in AP No.331/2007 dated 28/02/2011 in Appeal No. 156/2011 of The HIGH COURT OF BOMBAY)

CHITTARANJAN D. SHAH & ORS. Petitioner(s)

VERSUS

HEMANT D. SHAH & ORS. Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned order and prayer for interim relief and office report )

Date: 29/07/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA  
HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s) Mr. Vijay Hansaria, Sr. Adv.  
Mr. Sanjay Sarin, Adv.  
Ms. Gagan Deep "Kaur, Adv. for  
Ms. Manjusha Wadhwa, Adv.

For Respondent(s) Mrs. Vanita Bhargava, Adv.  
Mr. Ajay Bhargava, Adv. for  
M/S. Khaitan & Co.

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

In paragraph 2 of the affidavit in reply filed by respondent Nos. 1 to 5, the following statement is made:

"At the outset, I say and submit that the S.L.P. filed by the petitioners in this Hon'ble Court has become infructuous as it challenges orders of the Hon'ble Bombay High Court dated 30th August, 2010 and 28th February, 2011 upholding the interim order dated 4th April, 2007 of the Hon'ble Arbitral Tribunal passed under Section 17 of the Arbitration & Conciliation Act, 1996 ("the Act"). I submit that with the passing of the Final Award dated 12th July, 2011 by the Hon'ble Arbitral Tribunal, the said interim order is no longer in operation and/or has merged into the final award".

2. Mr. Vijay Hansaria, learned senior counsel for the petitioners accepts the above position.

3. We are informed that objections have been filed to the final award under Section 34 of the Arbitration & Conciliation Act, 1996 (for short "Act") and the said objections are pending.

4. We are also informed that an order under Section 9 of the Act has been passed by the High Court of Bombay on 30.8.2010 in Arbitration Petition No. 389 of 2007 - Hemant D. Shah & others vs. Chittaranjan D. Shah & others.

5. Having regard to the above, it is directed that the order dated 30.8.2010 passed in Arbitration Petition No. 389 of 2007 shall remain operative until disposal of the petition under Section 34 of the Act.

6. Subject to the above, Special Leave Petition is dismissed as infructuous.

|(Pardeep Kumar)  
|Court Master

|(Renu Diwan)  
|Court Master

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