

IN TH E SUP R E M E COUR T OF INDI A

CIVI L AP P E L L A T E JU R I S D I C T I O N

CIVI L AP P E A L NO.6 8 5 6 OF 2 0 0 8
(ARI S I N G OUT OF SL P (C) NO.2 7 2 0 1 OF 20 0 8)

HINDU S T A N COP P E R LT D.

KH E T R I COP P E R COM P L E X

... AP P E L L A N T

VE R S U S

M/S. BHA G A W A T I GAS E S LT D.

RES POND E N T

...

OR D E R

Leave granted.

Mr. Bha s k a r P. Gupta, learned senior counsel accepts notice.

Heard learned counsel.

2. The claims of respondent against the appellant were referred to Arbitration. An award was made for Rs. 2,3 0 , 8 3 , 8 8 7 / - in regard to short- lifting and Rs. 1, 2 0 , 9 2 , 4 5 2 / - towards interest.

3. The appellant challenged the said award by filing an application under Section 34 of the Arbitration and Conciliation Act, 1 9 9 6 . The trial court dismissed the said application on 15. 0 9 . 2 0 0 5 . Feeling aggrieved, the appellant filed an appeal before the High Court of Raja sth a n, Jaipur Bench. The High Court on 1 8. 0 8 . 2 0 0 8 admitted the appeal. In regard to the interim stay sought by the appellant, the

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High Court directed that the appellant shall deposit the entire amount as awarded by the Arbitrator. The High Court also directed that out of the amount so deposited, Rs.2, 3 0 , 8 3 , 8 8 7 / - be permitted to be withdrawn by the respondent by filing an undertaking for restitution with interest. The High Court directed that the balance to be kept in fixed deposit. The said conditions imposed by the High Court for granting stay is challenged by the appellant in this appeal by special leave.

4. The direction to the appellant to deposit the entire award amount by appellant, as a condition for stay, may be some what harsh. Secondly, the apprehension of appellant that a mere undertaking by

Mr. B. K. Gupta, Adv.

For Respondent(s) Mr. Bha s k a r P. Gupta, Sr.Adv.
Mr. Pr aveen Ku m a r ,Adv.

UPON hearing counsel the Court made the following

OR D E R

Leave granted.

Mr. Bha s k a r P. Gupta, learned senior counsel accepts notice.

Heard learned counsel.

The appeal is disposed of in terms of the signed order.

(PA W A N KUMA R)

(ANAN D SING H)

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(signed order is placed on the file)