

ITEM NO.25

COURT NO.4

SECTION XII-A

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). 18346-18347/2019

(Arising out of impugned final judgment and order dated 29-07-2019 in COMCA No. 40/2019 29-07-2019 in COMCA No. 43/2019 passed by the High Court For The State Of Telangana At Hyderabad)

EVEREST INDUSTRIES LTD

Petitioner(s)

VERSUS

MW HIGH TECH PROJECTS INDIA PVT LTD. &amp; ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.113979/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 05-08-2019 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. P. S. Patwalia, Sr. Adv.  
Mr. Anil K. Kher, Sr. Adv.  
Mr. Bhargava V. Desai, Adv.  
Mr. Siddhartha Chowdhury, AOR  
Mr. Kapil Kher, Adv.

For Respondent(s) Mr. Tarun Gulari, Sr. Adv.  
Mr. Neil Hildereth, Adv.  
Mr. Rahul Jain, AOR

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

Mr. P. S. Patwalia, learned senior counsel appearing for the petitioner, has submitted that the Bank Guarantee has already been encashed. For insulation to be provided to the petitioner, it is open to the petitioner to make a prayer under Section 17 of the Arbitration and Conciliation Act to the Arbitral Tribunal as and when it is constituted.

Thus, we are not inclined to entertain these petitions. The Special Leave Petition(s) are, accordingly, dismissed.

The observations made by the High Court shall not stand in the way of the Arbitral Tribunal to consider the prayer in accordance with law.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)  
COURT MASTER

(JAGDISH CHANDER)  
BRANCH OFFICER