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6/12/19

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR

S.B. CIVIL MISCELLANEOUS APPEAL NO. 6464/2019

IN THE MATTER OF: -

1. State of Rajasthan through Chief Secretary, Public Works Department, Administrative Secretariat, Janpath, Jaipur, Rajasthan.
2. Chief Engineer, Public Works Department, Nirman Bhawan P.W.D Headquarter, Hasanpura Road, Jaipur, Rajasthan
3. Executive Engineer, Public Works Department, Division-I-N.H., P.W.D Headquarter, Hasanpura Road, Jaipur, Rajasthan.

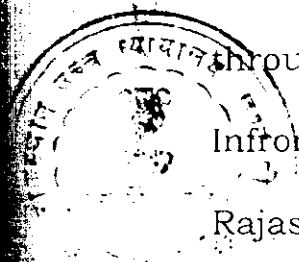
...Appellant

Versus

M/s. Brahama Prakash Modi, Registered Partnership Firm through Shri Kirodimal Modi-Partner, Registered Address- Infront of Railway Station, Neem Ka Thana, District Sikar, Rajasthan at present 74-Sudarshpur Industrial Area, 22 Godam, Jaipur.

...Respondent

APPEAL UNDERSECTION 13 OF COMMERCIAL COURTS, COMMERCIAL DIVISION AND COMMERCIAL APPELLATE DIVISION OF HIGH COURTS ACT, 2015 READ WITH SECTION 37 UNDER THE PROVISIONS OF THE



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6/12/19

AT JAIPUR
CLERK
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ARBITRATION & CONCILIATION ACT, 1996 AGAINST THE ORDER DATED 05.10.2019 PASSED BY LEARNED ADJ ARUN GUPTA IN OBJECTION APPLICATION NO. 63/2019 STATE OF RAJASTHAN V. M/S. BRAHAM PRAKASH MODIFIED BY THE APPELLANT UNDER SECTION 34 OF THE ARBITRATION AND CONCILIATION ACT, 1996 CHALLENGING THE ARBITRAL AWARDS DATED 29.01.2016 AS WELL THE AMENDED AWARD DATED 27.02.2016 PASSED BY LD. SOLE ARBITRATOR SHRI P.K. TIWARI, WHEREBY THE OBJECTION APPLICATION WAS DISMISSED WITHOUT APPROPRIATELY CONSIDERING THE ARGUMENTS OF THE NON-CLAIMANT/APPELLANT.



12/29/16

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**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Miscellaneous Appeal No. 6464/2019

State Of Rajasthan and Ors.

7
----Appellants

Versus

M/s Brahm Prakash Modi

----Respondent

For Appellant(s) : Vigyan Shah, AAG assisted by
Mr. Yash Joshi

For Respondent : Mr. Sanjog Kamal Sharma

**HON'BLE THE CHIEF JUSTICE MR. K.R. SHRIRAM
HON'BLE MR. JUSTICE ANAND SHARMA**

Order

04/08/2025

1. This appeal has been admitted on 26th April 2024 and we find that it has been admitted even before giving notice to respondent. This is an appeal under Section 37 of the Arbitration and Conciliation Act, 1996 and *ex parte* stay has also been granted on 26th April 2024.

2. Counsel for appellants states that he has been given brief only this morning since earlier advocate has been called to the Bench.

3. Counsel for respondent is praying for withdrawal of amount. Respondent may apply.

4. Appeal be listed for hearing and final disposal on 26th September 2025.

5. Award is for Rs.1,17,39,078.39/- together with simple interest thereon @ 12% per annum from the date claim was filed before Tribunal till payment. Claim was filed sometime in

September 2013. From 2013 ^{about} till 2025, in 12 years interest itself would have run up to Rs.1,50,00,000/-. Therefore, appellant is directed to deposit Rs.2,70,00,000/- with the Registrar General of this Court, who shall invest it in a nationalized bank for an initial period of six months and to renew the same for like period unless otherwise ordered.

6. We direct that Registry of this Court, unless there is an order to the contrary, shall invest all money deposited with Registry in any matter with a nationalized bank for a period of 13 months and keep renewing it for a like period unless otherwise ordered by this Court. The Registrar General of this Court is directed to circulate this order highlighting this paragraph to concerned persons in Registry. He shall also forward a copy of this order to all subordinate courts, who shall invest any money deposited by any party with a nationalized bank for a period of 13 months to be renewed for a like period unless the Court otherwise orders.

7. At request of counsel for appellants, four weeks time is given to deposit the amount and no extension will be granted.

(ANAND SHARMA),J

N.GANDHI/RAJAT/10

(K.R. SHRIRAM),CJ

