

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**Company Appeal (AT) No. 62 of 2018**

**IN THE MATTER OF:**

**SRS Investments Bengal Tiger Ltd.**

**...Appellant**

**Vs**

**Ravi Todi & Ors.**

**....Respondents**

**Present:**

**For Appellant: Mr. Sudipto Sarkar, Senior Advocate assisted by Mr. Surjendu Sankar Das, Ms. Ameer Rana, Ms. Avlokita Rajvi and Ms. Aishwarya Narayanan, - Advocates.**

**For Respondents: Mr. Amit S. Chadha, Senior Advocate assisted by Mr. Atanu Mukherjee, Ms. Srishti Govil, Advocates for Respondent No. 1 and 2.**

**Mr. Aniket Bhattacharyya, Advocate for Respondent No. 3 & 7.**

**Mr. Pradeep Aggarwal, Mr. Karan Khanna and Mr. Arjun Aggarwal, Advocates for Respondent No.4 and 6.**

**ORDER**

**18.05.2018:** The Appellant – Claimant/ Holder of the award has preferred this appeal against order of *status quo* passed by National Company Law Tribunal, Kolkata Bench (hereinafter referred to as ‘Tribunal’) on 22<sup>nd</sup> December, 2017 in a petition u/s 241 and 242 of Companies Act, 2013. According to learned counsel for the Appellant in absence of any stay of the award, the order of *status quo* cannot affect the award passed by the Arbitral Tribunal.

2. There appears to be a dispute as to the date of initiation of arbitration. However, we are not deliberating on question of legality of the award in this appeal in view of the stand taken by the Appellant. An application under Section 34 is also pending against award.

3. Senior counsel appearing on behalf of Respondent no. 1 & 2 (Petitioner before the Tribunal) submits that they have already made statement before the Tribunal that they are not challenging the arbitral award u/s 241 & 242 and referred to Para 50 at Page 93 of the appeal.

4. In view of the clear stand taken by Respondent 1 and 2 (Petitioner before the Tribunal), we make it clear that order of *status quo* will not come in the way of the parties or any court of law to enforce the award, if enforceable. We make it clear that we have not deliberated on individual claim of the parties which is pending before the Tribunal nor stayed the order of *status quo*. The appeal stands disposed of with aforesaid observations. No costs.

[Justice S. J. Mukhopadhaya]  
Chairperson

[Justice Bansi Lal Bhat]  
Member (Judicial)

*am/gc*