

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COMMERCIAL ARBITRATION PETITION (L) NO. 502 OF 2018

Gothic Entertainment ... Petitioner

Versus

KriArj Entertainment Private Limited and Ors. ... Respondents

CHAMBER SUMMONS (L) NO. 711 OF 2018

IN

COMMERCIAL ARBITRATION PETITION (L) NO. 502 OF 2018

Mr.Pratik Saksaria a/w. Mr. Atul Jain i/b. Shardul Amarchand Mangaldas for the Petitioner.

Mr.Ashwani Kumar, Sr. Adv. a/w. Mr. Mohit Paul, Mr.Abhishek Malhotra, Mr.Kaushik M., Ms.Sonali Suryawanshi, Ms.Divya Verma i/b. Bharucha and Partners for Respondent Nos. 1, 2 and 4.

Mr.Abadh Ponda a/w. Mr.Cyrus Ardeshir i/b. Mr.R.A. Mishra for Respondent No. 3. Mr.Shiraz Rustomjee, Sr. Adv. a/w. Mr. Ankit Lohia, Mr. Kunal Parekh i/b. Dua Associates for Respondent Nos. 6 and 7.

Mr.Vibhav Krishna a/w. Mr.Tahir Prande, Mr.Devang Lakhota i/b. Juris Consillis for Respondent No. 8

Mr.Ankit Lohia a/w. Ms.Apeksha Sharma, Mr.Sanjeel Kadam, Ms.Sayalee Rajpurkar i/b. Kadam and Company for Respondent No. 9.

Mr.Sharan Jagtiani a/w. Ms. Kanchan Bhatia i/b. Mr.Prasanna Bhangale for Respondent No. 10

Mr.Shiraz Rustomjee, Sr.Adv. a/w. Mr. Rohaan Cama, Ms.Madhu Gadodia, Mr. Ravi Suryawanshi i/b. Naik Naik and Company for Respondent Nos. 11 and 12 in CARBPL No. 502 of 2018.

Mr. Sandeep Bajaj a/w. Mr. Anuj Jhaveri, Mr. Aditya Chopra, Mr.Abhishek Bhaduri i/b. PSL Advocates and Solicitors for Respondent No. 13.

Mr.Rizwan Merchant i/b. Mr. Ramiz Shaikh for the Applicant in CHS No. 727 of 2018 and NMS No. 1224 of 2018.

Ms. Pooja Patil a/w. Ms.Raksha Thakkar, Mr. Shivam Nimbalkar i/b. Juris Corp for the Applicants in CHSL No. 711 of 2018.

Mr.Ayan Roy Chowdhary - Director Legal of Sony Pictures Entertainment, present in person.

CORAM : S.J. KATHAWALLA, J.
DATED : 22ND MAY, 2018
(IN CHAMBERS)

P.C.:

1. Heard the learned Advocates and the following Order is passed :
 - i. All disputes between the Petitioner and Respondent No. 1 are referred to the sole arbitration of Mr.S.J.Vazifdar, Retired Chief Justice of Punjab and Haryana High Court.
 - ii. The disclosure of Mr. S.J.Vazifdar, Retired Chief Justice of Punjab and Haryana High Court under Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996, as amended by the Arbitration and Conciliation (Amendment) Act, 2015, (the Act) is taken on record.
 - iii. The Petitioner and Respondent No. 1 shall be at liberty to file Petition under Section 17 of the Act, before the learned Arbitrator, which if filed, shall be decided by the learned Arbitrator
 - iv. Respondent Nos. 2 and 4 who are both present in Court, undertakes for self and on behalf of Respondent No. 1, to deposit on or before 12th June, 2018 an amount of Rs.5 Crores with the Prothonotary and Senior Master of this Court (Prothonotary). The undertakings are accepted.
 - v. Upon deposit of an amount of Rs.5 Crores by Respondent Nos.1, 2 and 4 as undertaken the Prothonotary and Senior Master shall invest the same in fixed deposit

of a nationalized bank initially for a period of six months.

vi. The Director - Legal of Sony Entertainment Pictures is present in Court. He undertakes to disclose all the gross receipts, amounts received by Sony Entertainment Pictures qua the film 'Padman' along with documents in support on or before 5th June, 2018. He undertakes to deposit an amount of Rs.2 Crores within a period of 10 days from today, with the Prothonotary, which is the admitted share of Respondent No. 1 and further undertakes to deposit with the Prothonotary from time to time the amounts due and payable by them to Respondent No. 1 within a period of 10 days from the date of receipt of the same. He also undertakes to deposit with the Prothonotary an approximate amount of Rs.6 Crores within a period of 10 days from today which is received by Sony for the China territory. However, it is clarified that the said amount of approx. Rs.6 Crores shall be deposited with the Prothonotary subject to exploitation of the film 'Padman' in the China territory and if for any reason the same is not exploited, the said amount of approx. Rs.6 Crores will have to be refunded. The undertakings are accepted.

vii. It is clarified at the request of the learned Senior Advocate appearing for Respondent Nos. 1, 2 and 4 that the EOW and / or police authorities shall not act on the the basis of the observations made by this Court in its earlier orders but shall proceed with the complaint/s received, on its own merits, in accordance with law.

viii. The learned Advocate appearing for Respondent No. 3 on instructions states that Respondent 3 is not the Director, Co-Promoter, Signatory to any of the

Agreements executed by and between the Petitioner and Respondent No.1, but is only a share-holder in Respondent No. 3 Company from June-2017. The statement is accepted.

ix. Respondent Nos. 1, 2 and 4 shall not receive any amounts from any party without seeking prior permission of this Court for any of the films.

x. The learned Arbitrator shall not grant any adjournment to either side unless absolutely necessary.

xi. All contentions of the parties are kept open.

xii. The cost of arbitration shall initially be borne by the parties equally.

xiii. The venue of arbitration shall be at Mumbai.

2. In view of this order, the above Petition as well as Chamber Summons are disposed off.

(S.J.KATHAWALLA, J.)

