

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 316 OF 2016

MR. ALFRED DAVID FERNANDES, THR.
HIS POA MR. JOHN FERNANDES AND
ANR.,

... Petitioners

Versus

M/S. KOTAK MAHINDRA BANK LTD.,
THR. ITS AUTHORIZED OFFICER, MR.
ARAVIND GULAB SHINDE.

... Respondent

Mr. Joaquim Godinho, Advocate for the Petitioners.
Ms. Tapasya Vernekar, Advocate for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 28th July, 2016

P.C:

In this petition, the petitioners are challenging the order dated 02.03.2016, by which the petitioners are directed to be detained in the civil prison for non-payment of dues as per the award of the Arbitrator.

2. The learned Counsel for the parties state that the entire amount outstanding, is deposited with the respondent. The learned Counsel for the respondent states that the respondent shall withdraw the execution proceedings. The learned Counsel for the petitioners undertakes to withdraw the appeal filed, challenging the award.

The statements are accepted.

3. The parties submit that the impugned award in this case has to be set aside.

4. In such circumstances, the following order is passed, by the consent of the parties:

- (a) The petition is allowed.
- (b) The impugned award dated 03.08.2012, is hereby set aside.
- (c) The petition is disposed of in the aforesaid terms, with no order as to costs.

C. V. BHADANG, J.

EV