

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

ARBITRATION PETITION NO. 28 OF 2016

Anoop Kumar Dwivedi	...Petitioner
vs.	
Tata Motors Finance Ltd.	Respondent

Mr.Lokesh D. Zade for Petitioner.
Mr.Manoj Prajapati with Chinmay Gupte i/b. Mohit Gadkari for Respondent.

CORAM : S.C. GUPTE, J.

15 FEBRUARY 2016

P.C. :

By consent of parties, the impugned order passed by the learned Arbitrator on 23 December 2015 is set aside, subject to the Petitioner paying a sum of Rs.5 lakhs to the Respondent within a period of one month from today. It is clarified that this payment shall be without prejudice to the rights and contentions of both the parties. The learned Arbitrator shall now hear the reference finally and make his award after hearing both the sides. It is also agreed by the Petitioner that he will either remain present at each of the hearings of the arbitration reference or instruct his Advocate to proceed with the reference in his absence and not seek any further adjournments at the hearing of the reference.

2 It is also clarified that the request of the Petitioner that since the earlier loan in respect of Indica car was fully paid by the Petitioner, NOC ought to be issued by the Respondent in respect of that car, shall be considered by the Arbitrator. It is also agreed between the parties that a reply shall be filed by the Petitioner to the statement of claim within a period of two weeks from today and in the event such reply is not filed, the arbitrator shall proceed exparte.

3 The petition is disposed of.

(S.C. Gupte, J.)