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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ O.M.P. 555/2014 & IA 12079/2016

OMAXE LIMITED

..... Petitioner

Through: Mr Abhinav Vashist, Senior Advocate
with Mr Shalabh Singhal, Mr M.
Singh and Mr Ankur Gupta,
Advocates.

versus

RANJAN DAGAR AND ANOTHER

..... Respondents

Through: Mr J.P. Sengh, Senior Advocate with
Mr Rajinder Mathur, Mr Rajesh
Jangra and Ms Manisha Mehta,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **30.11.2016**

1. This is a petition filed under Section 34 of the Arbitration and Conciliation Act, 1996, *inter alia*, challenging the award dated 10.01.2014.

2. Mr Abhinav Vashisht, learned senior counsel appearing for the petitioner states that after the arbitral award has been passed, the parties have settled their disputes in terms of the settlement agreement dated 15.07.2014. He has drawn the attention of this Court to paragraph 14 of the said agreement, which reads as under:-

"14. That the parties hereby agree to place copies of this Settlement Agreement in the Execution Petition No 133 of 2014 and OMP No 555 of 2014, both pending in Hon'ble Delhi High Court and get the same disposed off in terms of this Settlement Agreement with a rider that in case of default

in performance of the terms of this Settlement Agreement on the part of the second party, the Award shall become executable forthwith, subject however to the adjustment of the amounts already paid under this Settlement Agreement."

2. He also referred to the order passed by this Court on 20.10.2015 in Ex.P. 133/2014 and submitted that the petitioner had agreed to withdraw the present petition.
3. Mr Vashist prays that the petitioner may be permitted to withdraw the present petition.
4. Mr J.P. Sengh, learned counsel states that in terms of the settlement agreement, the petitioner had unequivocally agreed to withdraw the present petition and the reference to the order dated 20.10.2015 is misplaced and the respondent has already moved this Court for clarification of the order in that petition.
5. In view of the fact that the petitioner has sought to withdraw the present petition unconditionally, it is not necessary to examine the import of the settlement between the parties or the orders passed in ExP 133/2014. The petition and the pending application are dismissed as withdrawn.

VIBHU BAKHRU, J

**NOVEMBER 30, 2016
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