

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

COMMERCIAL ARBITRATION PETITION (L) NO.378 OF 2017

Dipti Home Makers Private Limited

....Petitioner

Vs.

Surya Co-operative Housing Society Ltd. and ors.

....Respondents

Mr. Vipul Shukla i/by Mr. Jayesh R. Vyas for the Petitioner.

Mr. Tushar Savla – Authorized Representative for the Petitioner present.

Mr. Udayan S. Jain for Respondent Nos.3 and 4.

Mr. Paresh Mehta – Respondent No.2 appeared in-person.

Ms. Ami Chheda – Respondent No.3 and Mr. Jitesh Chheda – Respondent No.4 present.

CORAM : K.R.SHRIRAM, J.

DATE : 13th OCTOBER, 2017

P.C.:

1. At the outset, Shri Shukla appearing for Petitioner states that the Petition as against Respondent No.1 be permitted to be withdrawn.

Petition as against Respondent No. 1 dismissed as withdrawn.

2. So far as Respondent Nos.2, 3 and 4 are concerned, Petitioner and Respondent No. 2 and Petitioner and Respondent Nos. 3 and 4 have entered into separate Consent Terms, both dated 13th October, 2017. The Consent Terms, signed by Authorized signatory of Petitioner,

Respondent No. 2 and the Advocate for Petitioner and the Consent Terms signed by Authorized Signatory of Petitioner, Respondent Nos. 3 and 4 and their respective Advocates are taken on record and marked “X” and “X-1”, respectively. Order in terms of Consent Terms. The statement of Petitioner's authorized representative that all cheques will be honoured on presentation is accepted as an undertaking to the Court.

3. Counsel appearing for Respondent Nos. 3 and 4 states that the cheques received are all dated 1st November, 2017. Shri Shukla states that due to inadvertence the cheques were dated 1st November, 2017 and Petitioner will replace the cheques with fresh cheques all dated 13th October, 2017 of identical amounts of the same bank during the course of today. Statement accepted. Mr. Savla-the authorized signatory of Petitioner undertakes to have these cheques as mentioned above replaced during the course of today and further states the undertakings recorded today are not only binding upon him, but he is authorized to give these undertakings on behalf of Petitioner. Undertakings accepted.

4. The Petition accordingly stands disposed.

(K.R. SHRIRAM, J.)