

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

**NOTICE OF MOTION NO.2600 OF 2016
IN
ARBITRATION PETITION NO.671 OF 2016**

Varaha Infra Ltd. and Ors.	...	Applicants
and		
Tata Capital Financial Services Ltd.	...	Petitioner
versus		
Varaha Infra Ltd. and Ors.	...	Respondents

Mr. Ashokvardhan Purohit, for Applicants.
Mr. Nikhil Mehta i/by M/s. KMC Legal, for Petitioner.
Ms. Vaidehi Naik i/by M/s. HSA Advocates, for Petitioner in RPL 44 of 2016.
Mr. Siddharth I. Chhabria i/by Ms. Priyanka Chhabria, for Respondent No.6.

CORAM: S.J. KATHAWALLA, J.

DATE: 10th MARCH, 2017

P.C.:

1. Not on board. Upon mentioning, taken on board.
2. The above Notice of Motion is taken out by the Principal borrowers (original Respondents) for setting aside the order passed in Arbitration Petition No. 671 of 2016 dated 24-06-2016. The Respondents have also filed Review Petition (L) No.44 of 2016 seeking review of the said order dated 24th June, 2016, which is today withdrawn. The question of allowing the above Notice of Motion for setting aside the said order dated 24th June, 2016 also does not arise since the very order dated 24-06-2016 was impugned before the Division Bench of this Court in Commercial Appeal

(L) No.24 of 2016, in which the following order was passed :

"1. The learned Counsel appearing for the Appellants submits that in view of the Award passed by the Arbitral Tribunal, the present Appeal has become infructuous. He seeks leave to withdraw this Appeal with liberty to challenge the Award under Section 34 of the Arbitration and Conciliation Act, 1996.

2. Allowed to be withdrawn with liberty as sought. The Appeal is accordingly disposed of."

2. The principal borrowers i.e. Varaha Infra Ltd. have till date not filed an Appeal challenging the Award under Section 34 of the Arbitration and Conciliation Act, 1996. The above Notice of Motion is dismissed.

(S.J.KATHAWALLA,J.)