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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1084 OF 2018
ALONGWITH
COMMERCIAL ARBITRATION PETITION NO. 500 OF 2018

Larsen and Toubro Ltd.

... Petitioner

vs.

State of Maharashtra & 2 Ors.

... Respondents

Mr. Chetan Kapadia a/w. Faisal Sayyed & Shadab S. Jan i/b. MKA & Co. for the Petitioner.

Mr. Suresh Dhole for Respondent No. 3 in WP/1084/2018.

Ms. P. H. Kantharia, GP a/w. Ms. Deepali Patankar, Hon. Asstt to GP in WP/1084/2018.

CORAM : A.K. MENON, J.

DATE : 7th AUGUST, 2018

P. C.

1. It is the petitioner's case that the order dated 28th November, 2017 granted them an opportunity of filing rejoinder by 5th December, 2017 which they did. Thereafter they filed an application for cross examination and oral hearing. Pursuant to filing rejoinder the Facilitation Council has finally disposed of the petition without granting the petitioners an opportunity of being heard.

2. After this petition was heard for some time Mr. Dhole on instructions of the respondent no.3 states that he has no objection if Petition No. 77/2015 is remanded

to the Facilitation Council for hearing the petitioners submissions. In the circumstances, I pass the following order :

- (i) The impugned order dated 15th January, 2018 is hereby set aside by consent of parties. The Facilitation Council will grant an opportunity to the petitioners to make oral submissions and decide the matter in accordance with law.
- (ii) Parties will appear before the Facilitation Council on the next available date after two weeks from today.
- (iv) In view of the order passed above Mr. Kapadia learned counsel for the petitioner in Arbitration Petition no. 500 of 2018 seeks leave to withdraw the petition. Petition allowed to be withdrawn.
- (v) In view of the disposal of the petition Notice of Motion does not survive. Notice of Motion is also disposed of.
- (vi) Refund, if any, as per rules.

(A.K. MENON, J.)