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

% **Date of Decision: 31st January, 2018**

+ **FAO(OS) 29/2017 & CM Nos.3587, 35020, 35021/2017**

M/S KONKA GROUP COMPANY LTD Appellant

Through: Mr. Arvind Nayar, Sr. Adv.
with Mr. Sushant Kumar,
Mr. Arjun Singh and Mr. A.
Madhukar, Advs.

versus

M/S A2VP DISTRIBUTORS & ANR Respondent

Through: Mr. Anant Garg with Mr.
Avimanniyu Sharma, Advs.

+ **FAO(OS) 66/2017**

M/S A2VP DISTRIBUTORS

PVT LTD & ANR. Appellant

Through: Mr. Anant Garg with Mr.
Avimanniyu Sharma, Advs.

versus

M/S KONKA GROUP COMPANY LTD Respondent

Through: Mr. Arvind Nayar, Sr. Adv.
with Mr. Sushant Kumar,
Mr. Arjun Singh and Mr. A.
Madhukar, Advs.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. FAO (OS) No.29/2017 has been filed by Ms. Konka Group

Company Ltd. under Section 37 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as “*the Arbitration Act, 1996*”) challenging the order dated 10th November, 2016 passed by the Id. Single Judge in O.M.P. No.575/2010 upholding the arbitral award dated 29th May, 2010 passed in favour of the respondents in this appeal.

2. FAO (OS) No.66/2017 stands filed by M/s A2VP Distributors Pvt. Ltd. under Section 37 of the Arbitration Act, 1996 assailing the order dated 6th February, 2017 passed by the Id. Single Judge in O.M.P. No.2/2016 rejecting the petition under Section 9 of the Arbitration Act, 1996 with regard to the subject matter of the aforesaid arbitral award dated 29th May, 2016.

3. When the appeals were listed before us on 26th October, 2017, we were of the view that the disputes between the parties appeared to be capable of being resolved through mediation. Consequently, the parties were referred to Mr. Sudhanshu Batra, Sr. Advocate/Mediator at Delhi High Court Mediation and Conciliation Centre for exploring the possibility of amicable settlement of the disputes by recourse to mediation without prejudice to their rights and contentions.

4. It appears that in the mediation proceedings, the parties were able to arrive at a mediation settlement and the original Settlement Agreement dated 9th January, 2018 has been forwarded by the Id. Arbitrator to this Court. The original Settlement Agreement has been shown to the Id. counsel for both the parties who have identified the signatures of the respective signatories and have also

confirmed the correctness of the record received from the Delhi High Court Mediation and Conciliation Centre.

5. Additionally CM No.3727/2018 has been filed in FAO (OS) No.66/2017 under the signatures of Mr. Anant Garg, Advocate for the appellant and Mr. Sushant Kumar, Advocate for the respondent. By the application the respective appellant has placed the Settlement Agreement on record and confirmed that the parties have acted upon the terms thereof.

6. Our attention is drawn to Clause (b) of the Settlement Agreement dated 9th January, 2018 whereby M/s Konka Group Company Ltd. has agreed to pay a total sum of USD 805,000 (US Dollar Eight Hundred Five Thousand only) to Suyog Group as full and final settlement amount towards past and present and future claims of Suyog Group.

7. Apportionment of the amount has been set out in Clause (d) of the said Settlement Agreement.

8. Ld. counsel for the parties have placed before us the documents in respect of the fact that the payments in terms of the Settlement Agreement having been duly remitted to the parties which were received thereunder. The receipts of the payments are confirmed by the ld. counsel appearing for M/s. A2VP Distributors Pvt. Ltd. (erstwhile known as Suyog Distributors Pvt. Ltd.). It is confirmed by the ld. counsel for the parties that the payments have been made in FAO (OS) No.29/2017 through its group company.

9. Ld. counsel for the parties submit that nothing survives for adjudication in these appeals in view of the Settlement Agreement

dated 9th January, 2018 upon the disputes between the parties and claims of the respondents having been satisfied, therefore, the same may be disposed of and.

10. This court also records that satisfaction of the claims of the M/s A2VP Distributors Pvt. Ltd. (formerly known as Suyog Distributors Pvt. Ltd.) against M/s Konka Group Company Ltd. and vice versa.

In view thereof, these appeals as well as pending applications are disposed of.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

JANUARY 31, 2018/pmc