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

% *Date of Order: 06.12.2018*

+ **FAO 512/2018**

M/S OPPTUM SOLUTIONS PVT LTD Appellant

Through: Mr. C.P. Malik, Advocate.

Versus

M/S RNR ENTERPRISES & ANRRespondents

Through: Mr.Nand Kishore, Site Manager/AR
of respondent No.2 in person.

CORAM:
HON'BLE MR. JUSTICE VINOD GOEL

1. The order dated 08.08.2018 passed by the court of learned Additional District Judge, West District, Delhi ('ADJ') dismissing the petition under Section 9 of the Arbitration & Conciliation Act, 1996 ('Arbitration Act') in Arbitration Case No.44/2018 is the subject-matter of challenge in this appeal under Section 37 of the Arbitration Act. So far notice has not been issued to the respondents.

2. On 31.10.2018, on an advance copy having been served, Mr.Nand Kishore, the Site Manager of respondent No.2 (AR), a partnership firm had put in appearance and submitted that they are ready to deliver back 78 computers and accessories thereto, to the appellant which are installed in their premises in question, in full and final settlement of the claim of the appellant against them.

3. It is submitted by learned counsel for the appellant and AR of the respondent that the premises in question was taken on rent by respondent No.1 from respondent No.2 in the month of October, 2017. Subsequently, in the month of November, 2017, the appellant had installed the said computers in the premises in question but the respondent No.1 did not turn back to occupy the premises in question.

4. The AR has filed an authority letter dated 05.11.2018 on behalf of both the partners of respondent No.2 and, on instructions, submits that they will return all the 78 computers and accessories to the appellant within a period of seven days. This is accepted by the learned counsel for the appellant who submits that with return of the said computers and accessories, the matter would stand settled with respondent No.2.

5. In view of the settlement, learned counsel for the appellant, on instructions, does not press the present appeal. Accordingly, the appeal is dismissed as withdrawn. The respondent No.2 shall remain bound by the statement made today in court.

6. Copy of the order be given *dasti* under signatures of the Private Secretary.

(VINOD GOEL)
JUDGE

DECEMBER 06, 2018
‘AA’