

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

**NOTICE OF MOTION NO.694 OF 2016
IN
ARBITRATION PETITION NO.1873 OF 2015**

Cube Highways and Infrastructure PTE Ltd. ... Applicant/Original
Respondent No.3

In the matter between :

Tata Capital Financial Services Limited	...	Petitioner
Versus		
Madhucon Infra Limited		
And Others	...	Respondents

.....

Mr. Abdulla Thangal i/b AZB & Partners for the Applicant in Notice of Motion NO.694 of 2016 and Respondent No.3 in Arbitration Petition No.1873 of 2015.

Ms. Benedicta Lobo i/b Kataria & Associates for the original Petitioner.

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CORAM : S.C. GUPTE, J.

DATE : 12 FEBRUARY 2019

P. C. :

. Learned Counsel for the Applicant (original Respondent No.3) says that this Notice of Motion does not survive. Learned Counsel submits that the motion has been taken out for recall of an order. By minutes of order filed before a Division Bench of this court in an appeal, filed under Section 37 of the Arbitration and Conciliation Act, 1996 ("Act"), the order has been set aside and the Arbitration Petition, filed under Section 9 of the Act has been remanded to the learned Single Judge for fresh hearing. Learned Counsel submits that after remand, in view of the settlement of the

disputes by the parties before the Supreme Court, the petition under Section 9 of the Act has been disposed of and the controversy does not survive any more. Hence, the Notice of Motion is disposed of accordingly.

(S.C. GUPTE, J.)