

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

**COMMERCIAL ARBITRATION PETITION NO.256 OF 2019
WITH
NOTICE OF MOTION (L) NO.3245 OF 2019
IN
COMMERCIAL ARBITRATION PETITION NO.256 OF 2019**

Union of India ... Petitioner.

V/s.

S. B. Agarwal and anr ... Respondents

- Mr. R. V. Desai, Senior Advocate i/by T.J. Pandian, for the Petitioner.
- Mr. Gaurav C. Mehta a/w Mr. Lalan Gupta, Ms. Soumya Prakas i/by Dhruve Liladhar & Co., for respondent s

CORAM : G. S. KULKARNI, J.

DATE : 4th MARCH, 2019.

P.C. :

1] After arguing this petition for some time, learned counsel for respondent, on instructions, states that his client is agreeable for setting aside the impugned award. Accordingly by consent of the parties the impugned order dated 26th September, 2018 is set aside.

2] The parties are agreeable to approach the same learned Sole Arbitrator, for fresh adjudication on issue Nos, 2, 3, 5 and 6, on the same material which is already part of the arbitral proceedings in question.

3] In view of above consensus, the following order.

Order

i) By consent of the parties, the impugned award dated 26th September 2018, passed by the learned sole Arbitrator is set aside.

ii) The parties consent that they shall approach the learned sole Arbitrator, who has delivered the impugned award for adjudication of the disputes between the parties and for fresh award on the issue Nos. 2, 3, 5 and 6 and that the learned Arbitral Tribunal shall accordingly publish a fresh award on the said issues.

iii) The parties have agreed that the contentions of the parties on the above issues are expressly kept open.

iv) The petition is accordingly disposed of in terms of above consensus of the parties. No cost.

2] The Notice of Motion (L) No.13245 of 2018 does not survive and it is accordingly disposed of.

[G. S. KULKARNI, J]