

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMM ARBITRATION APPLICATION (L) NO. 395 OF 2019**

Tata Power Renewable Energy Limited	...Applicant
<i>Versus</i>	
Photon Energy Systems Limited	...Respondent

Mr Madhur Rai, *with Ms Vasudha Sen, i/b Ms Jyoti Ghorpade, for the Petitioner.*

Mr Rakesh Reddy, *with Mr Chirayu Panarkar, i/b Abhijeet Devkhile, for the Respondent.*

CORAM: G.S. PATEL, J.
DATED: 20th February 2020

PC:-

1. On instructions, Mr Rai states that entire claim of the Applicant has been satisfied by payment out of Court in the form of encashment of a bank guarantee. As it happens, the sole Arbitrator earlier appointed had already expressed his inability to continue with reference. But in view of the settlement of the claim, no dispute survives to be taken to arbitration.

2. The Interim Application, which seeks an appointment of substitute Arbitrator, is therefore infructuous and is disposed of as such.

3. Since no Arbitrator is required to be appointed and since the previous Arbitrator has already recused himself, the arbitration stands terminated.
4. The Commercial Arbitration Application is disposed of in these terms. No costs.

(G. S. PATEL, J)