

OD-13

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
[Via Video Conference]

AP/374/2016

NATIONAL HIGHWAYS AUTHORITY OF INDIA
Versus
KAUSHALYA INFRASTRUCTURE DEVELOPMENT CORPORATION LTD.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 12th April, 2021.

Appearance:

Mr. Dipankar Das, Adv.
...for the petitioner

Ms. Meenakshi Manot, Adv.
...for the respondent

The Court : Learned counsel appearing for the petitioner seeks to withdraw the application for setting aside of an award dated 8th December, 2015 and revised on 26th February, 2016 passed by an arbitral tribunal. The reason for withdrawing the application is a Settlement Agreement dated 8th June, 2020 executed between the petitioner and the respondent herein and signed by their respective signatories. Clause 5.1.1 of the Settlement Agreement provides that A.P. No. 374 of 2016 being the present application will be withdrawn by the petitioner/National Highways Authority of India and immediate steps will be taken in that regard. Clause 5.1.2 provides that the respondent will also take necessary steps for withdrawing the execution proceedings in relation to the

impugned award. Counsel submits that the said execution proceedings have already been withdrawn by an order dated 10th February, 2021. Clause 5.2 records that the parties have arrived at a full and final settlement between them and that no cause of action remains for pursuing the aforesaid legal proceedings.

Learned counsel for the respondent is present.

The original Settlement Agreement certified by the Chief General Manager (Tech) and Regional Officer of the Nation Highways Authority of India, is handed up in Court today and taken on record.

In view of the above, A.P. No. 374 of 2016 is dismissed as withdrawn on the basis of the Settlement Agreement dated 8th June, 2020.

(MOUSHUMI BHATTACHARYA, J.)