

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

**COMMERCIAL ARBITRATION PETITION NO.370 OF 2021
WITH
COMMERCIAL ARBITRATION PETITION NO.371 OF 2021**

Nirmal Infrastructure Pvt.Ltd.	.. Petitioner
v/s.	
Macrotech Developers Ltd.	.. Respondent

Mr. Ashok Paranjpe a/w Vishal Jathar i/b. MDP Partners for the petitioner.

Mr. Vivek Vashi a/w Ms. Anusha Jegadeesh, Ankit Pathak i/b. Vashi & Vashi for the respondent.

**CORAM : A. K. MENON, J.
DATED : 28TH JULY, 2021.
(THROUGH VIDEO CONFERENCE)**

P.C. :

1. Petition No.370 of 2021 is seeking post award relief under Section 9 of the Arbitration and Conciliation Act. The award is dated 26th December, 2020. The award is subject matter of challenge in Commercial Arbitration Petition no.371 of 2021. That petition is not on board today.

2. The learned counsel for both the parties state that their disputes have been settled out of court and that the consent terms may be taken on record and both petitions may be allowed to be withdrawn. They wish to file consent terms only to place on record, the steps taken by them in compliance with the Award. In that sense, there is no challenge that survives today.
3. The signatories to the consent terms are the Chairman of the petitioner and authorized signatory of the respondent. Both have been authorized by resolutions. They are both present on this Video Conference. Both signatories confirm having executed the consent terms and the annexures.
4. Accordingly, at the request of the parties, I pass the following order;
 - (i) By consent, Commercial Arbitration Petition no.371 of 2021 is taken on board.
 - (ii) Consent Terms tendered by the learned Advocates are taken on record and is marked "X" for identification.
 - (iii) It is made clear that the court has merely taken the consent terms on record. No order is being passed in terms of the consent

terms.

(iv) Both petitions are allowed to be withdrawn and disposed as such.

(v) All interim applications shall accordingly be infructuous and stand disposed.

(vi) No costs.

(A. K. MENON, J.)