

Vinita

IN THE HIGH COURT OF BOMBAY AT GOA
APPLICATION FOR APPOINTMENT OF ARBITRATOR
NO.12 OF 2021.

KAILASH BHARATI GOSWAMI ANDApplicants.
ANR.
VS
K. C. CONSTRUCTION COMPANY,
THR. ITS PARTNERS AND 2 ORS.Respondents.

Mr. S. Malik, Advocate for the applicants.
Mr. Sudin Usgaonkar, Senior Advocate with Ms. T. Mashelkar,
Advocate for the respondent nos.2 and 3.

CORAM:- G. S. KULKARNI, J.
DATED :- 19 October, 2022

P.C.

1. This is an application filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 whereby the applicant has prayed for appointment of an arbitrator to adjudicate the disputes and differences which have arisen between the parties under the Memorandum of Understanding dated 12 February 2009.

2. After the proceedings were adjourned on the earlier occasion as the parties were considering settlement of the disputes. The parties are before this Court today placing on record consent terms as entered

between the parties.

3. It is stated that in terms of what has been agreed in the consent terms between the parties, the disputes are intended to be settled. Consent terms on behalf of the parties are signed by the Managing Director Mr. Jeremias Thomas D'Souza(respondent no. 3) for self and as power of attorney for respondent no.2 and also by the applicant who is present in Court. The consent terms are also signed by their respective Advocates. There is no dispute on the signatures as made on the consent terms. Consent terms are accordingly taken on record and marked "X" for identification.

4. Application is disposed of in terms of consent terms. However keeping open all contentions of the the parties to take recourse to appropriate proceedings in the event the terms and conditions as agreed in the consent terms are in any manner breached by either of the parties.

5. Disposed of in the above terms. No costs.

G. S. KULKARNI, J.