

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.406 OF 2022

PRINCE MARINE TRANSPORT SERVICES
LTD., THR, ITS DIRECTOR HASHIM
RAZZAQ

... PETITIONER

Versus

FERROMAR SHIPPING PRIVATE LTD THR.
ITS DULY CONST. ATTORNEY
CHANDRAKUMAR R. HUILGOL

... RESPONDENT

Mr A.D. Bhobe with Ms Neha Kholkar, Advocates for the Petitioner.
Mr B.P. Sardessai, Advocate for the Respondent.

CORAM:- M. S. SONAK, J.

DATED :- 3rd November, 2023

P.C.:

Heard Mr A.D. Bhobe, who appears along with Ms Neha Kholkar for the petitioner and Mr B.P. Sardessai for the respondent.

2. The learned Counsel for the parties hand in Consent Terms which are taken on record and marked as 'X' for the purpose of identification.

3. As per the Consent Terms, the petitioner has agreed to pay to the respondent the amount stated in the Arbitrator's award dated 07.11.2018. The details of such payment have been set out in the Consent Terms.

4. An amount of Rs.47,61,023/- (Rupees Forty-Seven Lakhs Sixty One Thousand Twenty Three only) is deposited by the petitioner before this Court. As per the Consent Terms, the respondent is to be permitted to withdraw this amount along with the interest that shall have accrued on this amount.

5. The Consent Terms are signed by an authorised representative of the petitioner and the respondent. Both of them are present in Court. They have been identified by the learned Counsel for the parties.

6. On perusing the Consent Terms there is nothing therein which could be said to be opposed to public policy. Accordingly, Consent Terms are accepted and this petition is disposed of in terms thereof.

7. The Registry should permit the respondents to withdraw the deposited amount of Rs.47,61,023/- (Rupees Forty-Seven Lakhs Sixty One Thousand Twenty Three only) with interest, if any, that shall have accrued on this amount.

8. Mr Sardessai states that he will furnish the bank details of the respondent - Company. The Registry to transfer the amount directly into the Company's bank account. This exercise must be completed as expeditiously as possible and, in any case, within seven days from

today.

9. The respondent will have to abide by the undertaking in clause (G) and withdraw Regular Execution Application No.51/2019 pending before the Executing Court on the next date, that is on 08.11.2023. Mr Sardesai states that this will be done on 08.11.2023.

10. The petition is disposed of in terms of the Consent Terms. Pending Misc. Civil Application No.2286/2023(f) does not survive and the same is disposed of.

M. S. SONAK, J.

NITI K
HALDANKAR

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NITI K HALDANKAR
Date: 2023.11.04
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