

Chaitali Ekke

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1686 OF 2023
IN
APPEAL NO. 257 OF 2017**

Vardhaman Builders

Applicant
(Org. Respondent /
...Claimant)

In the matter between

Narendra Balasaheb Ghatge and Anr.

Appellants(Org.
...Respondents)

Versus

Vardhaman Builders

Respondent
(Org. Petitioner /
...Claimant)

....

Mr. Kevic Setalvad, Senior Advocate a/w Mr. Jehan Lalkaka, Ms. Poorva Garg & Mr. Simon Mascarenhas i/b Mulla & Mulla and Craigie Blunt & Caroe, Advocate for Applicant / Respondent in Appeal.

Mr. Sunil Mogre a/w Mr. Yadunath Chaudhari a/w Mr. Chinmaya Acharya i/b Mr. Kevin Pereira, Advocate for Appellant.

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**CORAM : K. R. SHRIRAM &
RAJESH S. PATIL, JJ.**

DATED : 24th April 2023

P.C.:

1 After the Application was heard for some time, Mr. Setalvad, on instructions, states that since the award has been set aside in the order passed under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as, "The Arbitration Act," for short), Applicant would move the learned Single Judge in an Application under Section 9 of the Arbitration Act, and sought leave to withdraw this Application.

2 Application is dismissed, as withdrawn.

3 It is open to Applicant to take such steps, as advised, in
accordance with law, and the appropriate forum will decide it on the
merits of that Application.

4 All rights and contentions of the parties are kept open.

5 We clarify that we have not made any observations on the
merits of the matter.

(RAJESH S. PATIL, J.)

(K. R. SHRIRAM, J.)