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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO (COMM) 197/2024 and CM APPL. 57598/2024

SUMANTU VIRMANI

.....Appellant

Through: Mr. Ankit Jain, Senior Advocate with
Mr. Varun Nischal, Ms. Saira Tagra
and Mr. Aditya Chauhan, Advocates
with appellant in person.

versus

UPINDERJIT KHURANA

.....Respondent

Through: Appearance not received.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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10.12.2024

1. The present appeal under Section 37 of the Arbitration & Conciliation Act, 1996 (hereinafter referred as the Act) seeks to assail the order dated 20.07.2024 passed by the learned District Judge (Commercial)-03, South District, Saket Courts, New Delhi in O.M.P.(COMM) No.3/2023. Vide the impugned order, the learned Trial Court has rejected the appellant's application under Section 34 of the Act, wherein a challenge was laid by him to the arbitral award dated 06.09.2022.

2. After arguing the matter at some length, learned senior counsel for the appellant, on instructions from the appellant, who is present in Court, submits that in order to bring quietus to the entire dispute between the parties, the appellant is willing to pay an amount of Rs.23 lacs to the respondent in two instalments payable on or before 31.03.2025 in lieu of the awarded amount. The said suggestion is acceptable to the learned counsel for the respondent. The appellant also undertakes not to pursue the FIR



already lodged against the respondent and assures the Court that in case, it is required he will cooperate with the respondent in filing a petition to seek quashing of the said FIR.

3. In the light of the aforesaid, we, accordingly, dispose of the appeal by taking on record the appellant's statement that he will pay a total sum of Rs.23 lacs to the respondent in two instalments i.e. a sum of Rs.13 lacs and Rs.10 lacs, with the first instalment of Rs.13 lacs being payable on or before 31.01.2025 and second instalment of Rs.10 lacs being payable on or before 31.03.2025. The appellant will also submit an application to the SHO at the concerned Police Station, Haridwar where the FIR has been lodged by him informing the police about his settlement with the respondent. Further he will render all cooperation to the respondent in seeking quashing of the said FIR. An affidavit of undertaking in this regard will be filed by the appellant within 10 days.

4. While disposing of the appeal, alongwith the pending application in the aforesaid terms, making it clear that on the appellant paying the aforesaid amount of Rs. 23 lacs in the terms noted hereinabove, the impugned award dated 06.09.2022 will no longer be enforceable. We further make it clear that upon receipt of the aforesaid amount of a sum of Rs.23 lacs from the appellant, the respondent will not be entitled to raise any other dispute or claim against the appellant in respect of the suit property.

REKHA PALLI, J

SAURABH BANERJEE, J

DECEMBER 10, 2024/uk