

28.04.2025
Item No. 01.
Court No.37.
AB

F.M.A.T. 127 of 2020

**South Eastern Railways
Vs
Modi Construction Company**

Mr. Ajoy Kr. Chatterjee, Sr. Adv,
Ms. Sarda Shafor the Appellant.

Mr. R. N. Jhunjhunwala,
Mr. Mohit Guptafor the Respondent.

Dictated by Arijit Banerjee, J.

1. This appeal arises out of an application for setting aside of an arbitral award. During pendency of the appeal, by an order dated February 20, 2025, the parties were referred to Mediation. Hon'ble Justice Siddhartha Roy Chowdhury (Retd.), a former Judge of this Court, was appointed as the Mediator. Sittings were held before the Mediator on various dates. The Mediator has filed his final report dated April 21, 2025. Annexed to the Mediation report is a Terms of Settlement signed by the parties and their respective learned Advocates.
2. In view of the aforesaid, we see no reason to keep the present appeal pending. The appeal is disposed of with the following directions:
 - I. The parties shall act in accordance with the Terms of Settlement filed along with the Mediation report.

- II. The Fixed Deposit receipt lying with the Railways on account of security furnished by the respondent, shall be discharged and the Fixed Deposit receipt shall be returned to the respondent as early as possible.
 - III. The amount of Rs.70 Lacs approximately lying with learned Registrar General of this Court, pursuant to order passed by this Court, shall be surrendered in favour of the appellant. The appellant shall pay the said amount along with the interest accrued thereon to the respondent.
 - IV. It is clarified that all payments as agreed upon by and between the parties will be made by the appellant to the respondent adhering to the Terms of Settlement.
3. Liberty to mention.
 4. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)