

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION APPEAL NO.100 OF 2024
WITH
INTERIM APPLICATION NO.15023 OF 2024
IN
ARBITRATION APPEAL NO.100 OF 2024

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Omkar Buildcon & Ors.

....Appellants/Applicants

Versus

Kasturi Co-Operative Housing
Society Ltd. & Ors.

...Respondents

Mr. Sachin Dhakephalkar a/w. *Mrs. Gauratna Kale, Advocates
for Appellants/Applicants.*

None for the Respondents.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : JUNE 24, 2025

ORDER :

1. The captioned Appeal filed under Section 37 of the Arbitration and Conciliation Act, 1996 (*"the Act"*) against an order dated May 29, 2024, passed by the Learned District Judge under Section 9 of the Act.
2. Learned Counsel for the Appellants fairly states that an arbitrator came to be appointed in the very same disputes and differences between the parties by Learned Single Judge of this Court vide an Order dated December 11, 2024.

3. Consequently, instead of pursuing this appeal at this stage, he would submit that he may be given liberty to withdraw this appeal with his right to take out an appropriate application under Section 17 of the Act in the arbitral proceedings being left intact.

4. The Appeal stands finally *disposed of* as *withdrawn* with liberty as prayed. If such application is filed, it shall be decided in accordance with law.

5. In view of disposal of the main Appeal, nothing survives in the Interim Application and the same is also *finally disposed of* accordingly.

6. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]