



\$~75

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **O.M.P. (COMM) 103/2023**

NATIONAL HIGHWAYS AUTHORITY OF INDIAPetitioner

Through: Ms. Gunjan Sinha Jain, Mr. Manu
Bajaj and Mr. Abhijeet Saxena,
Advocates

versus

M S ANANTA PROCON PVT LTD

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

27.01.2025

%

I.A. 2135/2025

1. This application under Section 151 CPC has been filed on behalf of the Petitioner for withdrawing the instant petition being O.M.P. (COMM) 103/2023 filed by the Petitioner under Section 34 of the Arbitration and Conciliation Act, 1996 assailing the Arbitral Award dated 23.11.2022.

2. The present Petition being O.M.P. (COMM) 103/2023 has been filed by the Petitioner under Section 34 of the Arbitration and Conciliation Act, 1996 read with Commercial Courts Act, 2015 seeking setting aside of the impugned Arbitral Award dated 23.11.2022 received by the Petitioner on 30.11.2022 passed by the Arbitral Tribunal.

3. It is stated that the Respondent *vide* impugned Award dated 23.11.2022 has been awarded a sum of Rs.3,02,90,000/- along with pre-suit interest of Rs.3,13,668/- and *pendente lite* interest of Rs.39,58,446/- thereby aggregating to Rs.3,45,62,114/- along with future interest at the rate of 2% higher than the prevalent rate of interest from the date of award to the date

O.M.P. (COMM) 103/2023

Page 1 of 2



of payment.

4. It is stated that the parties have entered into a settlement agreement under the “Vivad se Vishwas II (Contractual Disputes) Scheme”. It is stated that in view of the settlement arrived at between the parties, the Petitioner prays for withdrawal of the said challenge to the Arbitral Award dated 23.11.2022.

5. It is stated by learned Counsel for the Petitioner that *vide* Order dated 21.03.2023, this Court has stayed the impugned Award dated 23.11.2022, subject to the Petitioner depositing 50% of the total amount payable along with up to date interest with the Registrar General of this Court within a period of four weeks from the date of Order passed by this Court.

6. It is stated by learned Counsel for the Petitioner that in compliance of Order dated 21.03.2023 passed by this Court, an amount of Rs.1,79,17,948/- has been deposited by the Petitioner.

7. In view of the above, the instant petition being O.M.P. (COMM) 103/2023 is disposed of as withdrawn along with pending application(s), if any.

8. Since the Petitioner has settled the matter with the Respondent under the “Vivad se Vishwas II (Contractual Disputes) Scheme”, the Petitioner is entitled to withdraw the amount of Rs.1,79,17,948/- along with interest, which is deposited by the Petitioner before the Registrar General of this Court.

9. The date already fixed in the matter i.e. 21.03.2025 stands cancelled.

10. The application is disposed of.

SUBRAMONIUM PRASAD, J

JANUARY 27, 2025

RJ

O.M.P. (COMM) 103/2023

Page 2 of 2