

Writ Petition No.14654/2013
Writ Petition No.12949/2015

21.03.2016

Shri Manoj Sharma, learned counsel for the petitioner.

Shri Naman Nagrath, learned Senior counsel with Shri Himanshu Mishra, learned counsel for the petitioner.

Counsel for the petitioner submits that discussion for appointing Arbitrator is still in progress. Once the name of the Arbitrator is finalized, appropriate agreement in that behalf will be executed. He submits that until the dispute between the parties is decided by the Arbitrator, the amount, which the Authority has agreed and accepted as refundable to the petitioner, must be returned to the petitioner.

Counsel for the respondent submits that the Authority gave that option to the petitioner long back but he insisted for full and final settlement of the accounts. As there was dispute between the parties in that regard, the Authority could not refund the amount to the petitioner during such time. Now that the petitioner has shown willingness to withdraw the undisputed amount of Rs.1,59,05,962.00 (Rupees One Crore Fifty Nine Lacs Five Thousand Nine Hundred Sixty Two Only), the Authority shall take steps to

refund that amount after completion of all the necessary formalities before 31.03.2016.

The petitioner through his counsel assures that necessary cooperation and formalities will be completed by the petitioner, as may be required by the Authority. That assurance is accepted.

It is made clear that withdrawal of the amount by the petitioner is not accepting the stand of the respondent Authority, but, will be without prejudice to the rights and contentions available to the petitioner which in all probability may get resolved in Arbitration proceedings.

List on **31.03.2016**.

(A. M. Khanwilkar)
Chief Justice

(Sanjay Yadav)
Judge

AM.