

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE R.MAHADEVAN

O.S.A.No.133 of 2012

M/s.Southern Windfarms Ltd.,
rep. by its Authorised Signatory
No.15, Soundarapandian Street,
Ashok Nagar, Chennai 600 083. .. Appellant

versus

1.The Official Liquidator
High Court of Madras as the
Liquidator of M/s.NEPC (India) Ltd.,
(in Liquidation)

2. NEPC India Limited,
rep. by its Managing Director
No.36, Wallajah Road,
Chennai 600 002.
(R.2 impleaded as party respondent
vide order of Court dated 10.04.2014
made in M.P.No.1 of 2013
in O.S.A.No.133 of 2012) .. Respondents

Appeals filed under Order 36 Rule 9 of Original Side Rules
read with Clause 15 of the Letters Patent Act, against the order
dated 06.02.2012 passed in Company Application No.774 of 2011
in Company Petition No.232 of 1998, on the file of this Court.

For Appellant ... Mr.S.Rajendrakumar
for M/s.Norton Grant.

For Respondents .. Mr.B.Dhanaraj for R.1

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(Judgement of the Court was delivered by The Hon'ble Chief
Justice)

On hearing the learned counsel for the appellant and the
Official Liquidator representing the first respondent, it is
agreed that the Arbitral proceedings can go on, but on terms and
conditions set out in paragraph-17 of the report of the Official

Liquidator dated 09.07.2013 which is reproduced as under:

- (i) The first appellant should bear all the expenses pertaining to the arbitral proceedings from their own sources.
- (ii) The appellant shall inform the winding up court the outcome of the proceedings.
- (iii) The appellant shall abide by any orders passed on such reports.
- (iv) The decree, if any passed in the Arbitral proceedings shall not be executed against the respondent company without the leave of the Winding up Court.

The Original Side Appeal is accordingly disposed of, leaving the parties to bear their own costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To
The Sub Assistant Registrar,
Original Side, High Court, Madras.(1/12)

+1 cc to M/s.Norton & Grant, Advocates,sr.65787

+1 cc to M/s.B.Dhanaraj,advocate,sr.65902.

ppa (co)
krd 30/11

O.S.A.No.133 of 2012

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