

A.No.3562 of 2019
in A.No.4291 of 2018

PUSHPA SATHYANARAYANA, J.

The applicant seeks for an order permitting them to withdraw certain amounts deposited by the first respondent along with interest accrued thereon.

2. The first respondent/Tamil Nadu Water Supply and Drainage Board (in short, "TWAD Board") entered into agreements dated 20.06.1988 with the applicant for implementation of water supply scheme for Coimbatore and Madurai. Certain disputes arose under the said agreements, which were referred to arbitration in O.P.Nos.44 to 46 of 1998 and three awards were passed on 28.10.1997 along with 18% interest. The awards were put to challenge in O.A.Nos.77 to 79 of 1999 and were confirmed by this Court on 16.06.2008. O.A.S.Nos.179 to 181 of 2009 preferred against the dismissal orders were also confirmed on 26.07.2016. Thereafter, the TWAD Board filed appeals in S.L.P.(C)Nos.22894 of 22896 of 2017, wherein, the Hon'ble Supreme Court only reduced the rate of interest from 18% to 9% and directed the respondent TWAD Board to pay the amount within three months vide order dated 15.09.2017.

3. In the meanwhile, disputes arose between the partners of the applicant firm.

4. The TWAD Board also filed MA Nos.603-605 of 2018 before the Hon'ble Apex Court seeking extension of time for making the payment of the award amount, which were disposed of on 16.03.2018 granting time till 31.05..2018.

5. The TWAD Board also filed A.Nos.4291 and 6765 of 2018 before this Court seeking permission to deposit Rs.16,69,33,890/- to the credit of A.No.4291 of 2018 within the time stipulated by the Court in the said application. This Court on 28.09.2018 had passed the following decree :

"That the Tamil Nadu Water Supply and Drainage Board, the applicant in A.No.4291 and 6765 of 2018 be and is hereby permitted to deposit a sum of Rs.16,69,33,890/- (Rupees Sixteen crores sixty nine lakhs thirty three thousand eight hundred and ninety only) to the credit of A.No.4291 of 2018.

2. That as and when internal dispute between the partners of the first respondent herein, the first respondent herein shall be at liberty to file appropriate application for withdrawing the amount."

6. The amount of Rs.16,32,61,344/- (Rupees Sixteen Crores Thirty Two Lakhs Sixty One Thousand Three Hundred and Forty Four Only) along with the interest accrued thereon was deposited by the first respondent in the Fixed Deposit Account at Indian Bank, High Court Branch, pursuant to the order aforesaid dated 28.09.2018 made in A.Nos.4291 and 6765 of 2018 and the order dated 08.02.2019 made in A.No.963 of 2019 as well as Rs.1,85,20,609/- (Rupees One Crore Eighty Five Lakh Twenty Thousand Six Hundred and Nine only) along with the interest accrued as on 16.04.2019 and also along with interest accrued thereon deposited by the first respondent pursuant to the order dated 26.07.2016 in O.S.A.Nos.179 to 181 of 2009.

7. Today, when the matter was taken up for hearing, learned counsel for the applicant stated that the partners of the applicant firm had resolved their internal disputes and except respondents 4 and 7, the other respondents have retired from the applicant partnership firm. The applicant had also produced the retirement deed dated 21.02.2019, in and by which, the respondents 2, 3 and 6, who were the partners, had retired. The respondents 5 and 8 to 13 were also partners of the applicant firm and retired from the partnership firm vide retirement deed dated 21.02.2019. The accounts of the said

retiring partners were said to have been settled in full and they do not have any claim from the firm. It is stated that after the execution of the above said retirement deeds, only respondents 4 and 7 are the continuing partners in the firm and they have no objections in the amounts being given to the applicant firm.

8. Mr.Vijay Narayan, learned Advocate General, who appeared on behalf of the TWAD Board, also fairly conceded that the first respondent has no objection for the applicant withdrawing the amount of Rs.16,32,61,344/- (Rupees Sixteen Crores Thirty Two Lakhs Sixty One Thousand Three Hundred and Forty Four Only) along with the interest accrued thereon and Rs.1,85,20,609/- (Rupees One Crore Eighty Five Lakh Twenty Thousand Six Hundred and Nine only) along with the interest accrued thereon, deposited by them in Indian Bank, Madras High Court Branch, Chennai-104 to the credit of the A.Nos.4291 and 6765 of 018 and O.S.A.Nos.179 to 181 of 2009.

9. As the internal disputes between the partners are now settled and the in view of the submission of the learned Advocate General, this Court is of the view that there is no impediment for the applicant to withdraw the amount deposited by the 1st respondent/TWAD Board.

10. Accordingly, the applicant is permitted to withdraw the amount of Rs.16,32,61,344/- (Rupees Sixteen Crores Thirty Two Lakhs Sixty One Thousand Three Hundred and Forty Four Only) along with the interest accrued thereon and Rs.1,85,20,609/- (Rupees One Crore Eighty Five Lakh Twenty Thousand Six Hundred and Nine only) along with the interest accrued thereon.

11. This application is ordered accordingly.

13.06.2019

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