

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 28TH DAY OF FEBRUARY, 2020

THE HON'BLE MS. JUSTICE P.T.ASHA

A.No.273 of 2020
in
O.P. No.523 of 2018

In the matter of disputes arisen
between M/s.T.S.Kisan & Co., Pvt.
Ltd. and M/s.Heavy Vehicles Factory
and

In the matter of Arbitration &
Conciliation Act, 1996
and

In the matter of Award dated
13.11.2017 passed by Sole Arbitrator
Justice Prabha Sridevan.

M/s.T.S.Kisan & Company Pvt. Ltd.,
Registered Office at C-420,
Defence Colony, New Delhi – 110 024,
Rep. by its Director Mr.J.K.Thapar.

... Petitioner/Applicant

Versus

1.Heavy Vehicles Factory,
Avadi, Chennai – 600 054,
Rep. by the Senior General Manager.

2.Hon'ble Mrs.Justice Prabha Sridevan,
Judge (Retd), High Court, Madras,
No.7, Krishnaswami Iyer Avenue, Luz,
Mylapore, Chennai – 600 004
Sole Arbitrator, Chennai.

... Respondents/Respondents

Application praying that this Hon'ble Court be pleased to give the Arbitral Tribunal an opportunity to resume the arbitral proceedings in O.P.523 of 2018 in order to render a finding insofar as Issue No.9 framed by the Learned Arbitrator, the 2nd respondent herein within such time that may be prescribed by this Hon'ble Court and to furnish such finding to this Hon'ble Court.

This Application coming on this day before this court for hearing in the presence of Mr.S.R.Raghunathan, Advocate for the Applicant herein and Mr.G.Rajagopalan, Additional Solicitor General of India assisted by Mr.Venkataswamy Babu, Advocate for the 1st respondent herein and upon reading the judge's summons and the affidavit of J.K.Thapar filed herein and this Court while setting aside the award with reference to the counter claim, doth orders as follows:-

That the Registrar General of this court do endorse and handover the Fixed Deposit Receipt (Original) FDR No.2014/NDRS 0922653 dated 03/07/2018 for Rs.21,48,093/- (Rupees twenty one lakhs forty eight thousand and ninety three only) drawn on Indian Overseas Bank, Defence Colony, Delhi to M/s.T.S.Kisan & Company Pvt. Ltd., Rep. by its Director Mr.J.K.Thapar, the petitioner/Applicant herein.

WITNESS THE HON'BLE THIRU.AMRESHWAR PRATAP SAHI,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID THIS THE
28TH DAY OF FEBRUARY, 2020.

Sd./-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

NK-04.03.2020

A.No.273 of 2020
in
O.P.No.523 of 2018

ORDER

DATED: 28.02.2020

THE HON'BLE MS.JUSTICE
P.T.ASHA

FOR APPROVAL:22.07.2020

APPROVED ON:27.07.2020

Copy to:

1. The Registrar General,
High Court, Madras.
2. The Accounts Section
3. Correspondence seat

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This Application coming on this day before this court for hearing the court made the following order:-

The learned counsel for the petitioner after pronouncement of the order would submit that the he has deposited a sum of Rs.21,18,475/- by way of fixed deposit.

2. Considering the fact that this Court is also setting aside the award with reference to the counter claim, the said amount shall be refunded to the petitioner.

Sd/- P.T.A.J.

28.02.2020

// Certified to be true copy//

Dated at Madras this day of 2020.

Court Officer(O.S.)

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