

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.08.2020

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THE HONOURABLE MR.JUSTICE N.SATHISHKUMAR

O.P.No.288 of 2020

M/s ETA Engineering Pvt. Ltd.
rep . by its authorised Signatory
Syed Murthuza Bukhari, No.20/21,
Razak Garden Main Road, 1st floor,
Arumbakkam, Chennai-106. Petitioner

Vs.

M/s National Centre for Sustainable Coastal Management,
rep. by its Director R.Ramesh,
Ministry of Environment, Forest and Climate Change
Koodal Building, Anna University Campus,
Chennai 600 032. Respondent

Prayer: Petition filed under Section 11(6) of the Arbitration and Conciliation Act to constitute an Arbitral Tribunal by appointing a sole arbitrator, as per the letter of Award dated 20.03.2015, which includes conditions of Contract wherein parties had agreed to refer the dispute to Arbitration.

* * *

For Petitioner : Mr.S.S.Rajesh
For Respondent : Mr.Karthikeyan,
Assistant Solicitor General of India

Order

This petition has been filed for appointment of Sole Arbitrator.

2. The learned counsel appearing for the respondent submitted that the respondent is liable to pay a sum of Rs.1,02,92,271.06 to the petitioner and they are ready to deposit the said amount. To that effect, the respondent has filed a counter affidavit.

3. The learned counsel appearing for the applicant submitted that if the above said amount is deposited, it will give quietus to the matter , then, appointment of arbitrator will not be required.

4. It appears from the submissions made by the learned counsel for the applicant that there is a dispute between the applicant and the respondent bank and the bank has initiated DRT Proceedings and there are immovable properties mortgaged to secure the bank interest. Hence, if the amount is transferred to the bank, it will give quietus to the matter.

5. The learned counsel appearing for the respondent submitted that the respondent has also no objection in paying the admitted amount, as per the counter affidavit and is prepared to pay the amount within ten days.

6. In such view of the matter, as the bank had secured the

interest by mortgaging the immovable property, the respondent is directed to pay the admitted liability to the applicant on or before 31.08.2020.

7. With the above observation, this petition is closed.

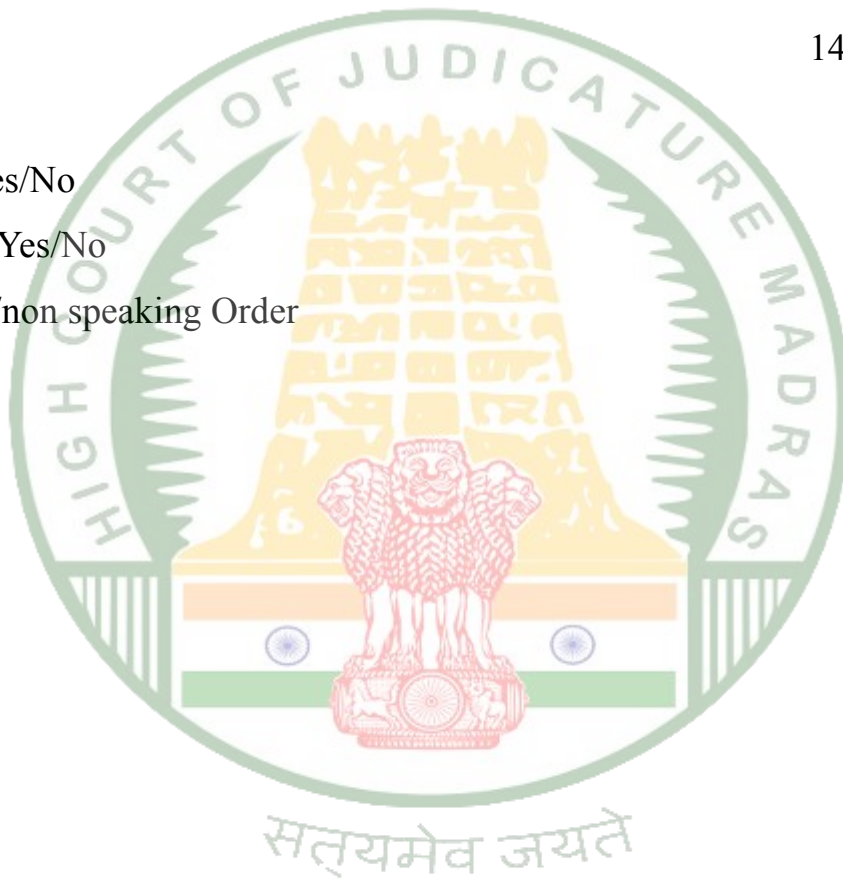
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Index: Yes/No

Internet: Yes/No

Speaking/non speaking Order

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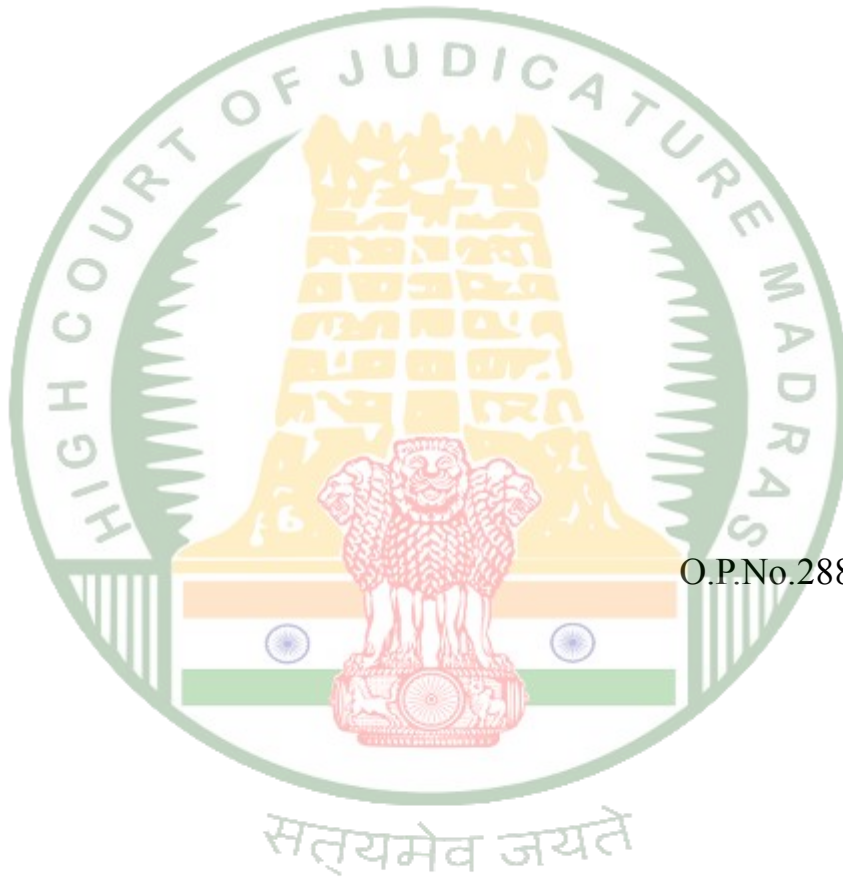


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N. SATHISHKUMAR, J.

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