

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.12.2020

Coram

THE HONOURABLE MR. JUSTICE M.SUNDAR

O.P.Nos.161 of 2015
&
A.No.5731 of 2015
in O.P.No.161 of 2015
&
O.P.No.626 of 2016

O.P.Nos.161 of 2015

M/s.M.S.P.Coffee Curing Pvt. Ltd.,
Door No.370/2, Silver Shadows
Moganad Estate, Mangalam
Yercaud 636 602 ... Petitioner

vs.

1. M/s. Reliance Retail Ltd.,
9th Floor, Makers Chambers IV
No.222, Nariman Point, Mumbai – 400 021

2. M/s.Reliance Retail Ltd.,
No.89-91, Dr.Radhakrishna Salai
Mylapore, Chennai – 600 004

3.Dr.K.Dhakshinamoorthy
District Judge (Retd)
No.85-A, Indira Nagar
Perumbakkam Post
Malla Via
Vanur Taluk

... Respondents

Original Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996, to modify the award dated 22.09.2014 passed by the 3rd respondent with regard to the cost and interest for the period from 01/03/2008 to 22.09.2013 and award the cost of the arbitration proceedings and interest for the period from 01/03/2008 to 22/09/2013 at 18% on Rs.62,25,620/-.

For Petitioner : Mr.S.Sethuraman

For Respondents : Mr.S.Raghunathan
for R1 and R2

O.P.Nos.626 of 2016

1. M/s. Reliance Retail Ltd.,
having registered office at
Makers Chambers IV
Nariman Point, Mumbai – 400 021

Zonal office at
No.89-91, Dr.Radhakrishna Salai
Mylapore, Chennai – 600 004 ... Petitioner

VS.

M/s.M.S.P.Coffee Curing Pvt. Ltd.,
Door No.370/2, Silver Shadows
Moganad Estate, Mangalam
Yercaud 636 602 ... Respondent

Original Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996, to order and direct the Arbitrator Mr.Dakshinamoorthy, District Judge (Retd.,) to produce and file in this Hon'ble Court the entire records of the arbitration proceedings between the petitioner and the respondent which were conducted before him; that

this Court be pleased to exercise its powers under Section 34 of the Arbitration and Conciliation Act, 1996 and allow the present petition (and the objections raised therein), and set aside the impugned award dated 22nd September 2014 (Annexure P/1 hereto) to the extent that the same allows the claims (in part) made by the Respondent and rejects the petitioner's counter claim; that the respondent be ordered and directed to pay to the Petitioner the cost of the present proceedings and for grant of such other and further reliefs in favour of the Petitioners, as this Hon'ble Court may deem just and expedient in the facts and circumstances of the present case.

For Petitioner : Mr.S.Raghunathan

For Respondent : Mr.S.Sethuraman

ORDER

Captioned 'Original Petitions' ('OPs' in plural and 'OP' in singular for the sake of brevity) and the captioned application have been listed under the cause list caption 'FOR REPORTING SETTLEMENT' today.

2. In this web-hearing on a video-conferencing platform i.e., virtual hearing, Mr.S.Sethuraman, learned counsel on record for sole petitioner in O.P.No.161 of 2015 / applicant in A.No.5731 of 2015 and Mr.S.Raghunathan, learned counsel on record for sole petitioner in O.P.No.626 of 2016 are before me. Both the aforementioned learned counsel on record submit that captioned OPs have been settled out of

Court and seek permission to withdraw their respective OPs and they have filed withdrawal memos, which are as follows:

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Ordinary Original Jurisdiction)

O.P.No.626 of 2016

M/s. Reliance Retail Limited
9th Floor, Makers Chambers IV,
222, Nariman Point, Mumbai 400 021
... Petitioner

Vs.

M.S.P Coffee Curing Private Limited
Door No. 470/2, Silver Shadows, Mogana Estate
Mangalam, Yercaud- 636 502
... Respondent

MEMO FILED BY THE PETITIONER

It is submitted that the claim in the above present Petition has been settled out of Court between the Parties with either party not having any claim against each other under the Arbitration Award which is under challenge.

The above Petition may therefore be dismissed as settled out of court with Parties thereof in their respective costs.

सत्यमेव जयते

Dated at Chennai this 15th day of December, 2020

WEB COPY

Shanmuga V
Counsel for the Petitioner

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Ordinary Original Jurisdiction)

O.P. NO. 161 OF 2015

In the matter of section 34 of Arbitration and Conciliation Act 1996 and In the matter of disputes between M.S.P. Coffee Curing (P) Ltd., -VS- Reliance Retail Ltd and in the matter of award dated 22.09.2014 received on 29.09.2014

M/s. M.S.P. COFFEE CURING PVT LTD.,
Door No. 370/2, Silver Shadows,
Moganad Estate, Mangalam,
Yercaud 636 602.

*****PETITIONER / PETITIONER**

-VS-

1. **M/S. RELIANCE RETAIL LTD.,**
9th Floor, Makers Chambers IV,
No. 222, Nariman Point, Mumbai 400 021.

2. **M/S. RELIANCE RETAIL LTD.,**
No. 83-91, Dr. Radhakrishna Salai,
Mylapore, Chennai 600 004.

*****RESPONDENTS**

3. **Mr. K.DHAKSHINAMOORTHY**
District Judge (Retd.),
No. 15-A, Indira nagar,
Perumbakkam Post,
Mallam Via,
Vanur Taluk.

*****RESPONDENT/ ARBITRATOR**

MEMO FILED ON BEHALF OF THE PETITIONER

It is most respectfully submitted before this Honourable court as under:

The dispute between the petitioner and the respondent has been settled out of court, hence the petitioner may be permitted to withdraw the original petition.

In view of the above it is prayed that this Honorable Court may be pleased to take this memo on record and close the above original petition as settled out of Court and thus render justice.

DATED AT CHENNAI ON THIS THE 15th DAY OF DECEMBER 2020

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[Signature]
COUNSEL FOR PETITIONER

3. Both the learned counsel submit that parties to captioned OPs and captioned application have no claims against each other. This common submission is recorded. Aforementioned both learned counsel also graciously submit that they are not seeking refund of Court fee as only a nominal Court fee has been paid in both captioned OPs and captioned application.

In the light of aforementioned narrative, captioned OPs are dismissed as withdrawn. Consequently, captioned application being A.No.5731 of 2015 also stands dismissed as withdrawn. There shall be no order as to costs.

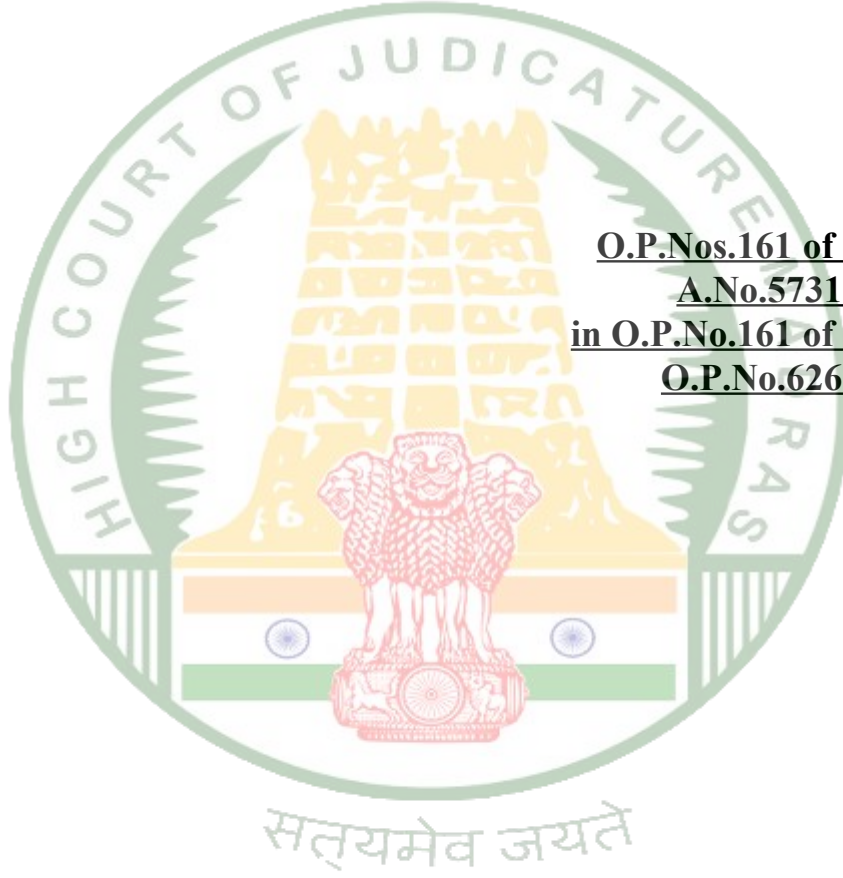
15.12.2020

Speaking order: Yes
Index: No
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M.SUNDAR.J.,

gpa



O.P.Nos.161 of 2015 &
A.No.5731 of 2015
in O.P.No.161 of 2015 &
O.P.No.626 of 2016

WEB COPY **15.12.2020**