

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.7908, 7911 and 7914 of 2020
and W.M.P.Nos.9342, 9344, 9347 and 9348 of 2020

Royal Multisport Private Limited,
Represented by its Authorised Representative,
Harvinder Kaur Sahni, and having its Office at
Fulcrum, B Wing, 103-104, Hiranandani Business,
Park, Sahar Road, Andheri East,
Mumbai, Maharashtra - 400 099 ... Petitioner in all W.Ps.

Vs.

National Insurance Company Limited,
Chennai Division VI 25,
Mamatha Complex, Whites Road,
Royapetah, Chennai - 600 014. ... Respondents in all W.Ps

* * *

Prayer in W.P.No.7908 of 2020 : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of Endorsement No.500600592082100004 dated 19.03.2020 issued by the office of the respondent which seeks to unilaterally cancel the insurance policy No.500600592010000003 - Special Contingency Policy for loss of Sponsorship money due to cancellation of Events / Matches' issued to the petitioner and to quash the same.

Prayer in W.P.No.7911 of 2020 : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of Endorsement No.500600592082100006 dated 19.03.2020 issued by the office of the respondent which seeks to unilaterally cancel the insurance policy No.500600592010000004 - Special Contingency Policy for loss of ticketing revenue and costs due to Events / Matches cancellation issued to the petitioner and to quash the same.

Prayer in W.P.No.7914 of 2020 : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration, to declare that the Loss of Sponsorship Policy (bearing Policy No.500600592010000003) and the Loss of Ticketing

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Revenue Policy (bearing Policy No.500600592010000004) issued by the respondent to the petitioner are valid, bind and enforceable in law.

For Petitioner : Ms.Anisha Gupta
in all W.Ps

For Respondents: Mr.N.Vijayaraghavan,
in all W.Ps Standing Counsel.

COMMON ORDER

Learned counsel for the petitioner has filed a Memorandum of Withdrawal dated 02.11.2020 seeking to withdraw these Writ Petitions, which reads as follows:

1. The captioned Writ Petitions had been filed challenging the unilateral cancellation by the respondent of (i) Insurance Policy No.500600592010000003 (Loss of Sponsorship Policy) and (ii) Insurance Policy No. 500600592010000003 (Loss of Ticketing Revenue Policy) issued by the respondent. The respondent had also issued refund of premium paid by the petitioner for such policies, vide pay order dated 20.03.2020, which has not been encashed by the petitioner and which has since lapsed.

2. Due to intervening events post the filing of the writ petitions, and based on the written assurance given by the respondent vide e-mail dated 22.10.2020, that the premium of Rs.1,07,85,200/- (Rupees one crore seven lakhs eight five thousand and two hundred only) will be refunded by the respondent via NEFT/RTGS to the following account.

Name :Royal Multisport Private Limited
Account Number :Current Account 57500000182158
Bank Branch :Ground Floor, Ahura Centre, Mahakali
Caves Road, Andheri (E),
Mumbai - 400 093
RTGS/NEFT : IFSC Code: HDFC0000543

of the petitioner on the day the present Writ Petitions are withdrawn, the petitioner seeks to withdraw the captioned Writ Petitions, subject to the following:

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a. The respondent assures that it will make payment of Rs.1,07,85,200/- reflecting the insurance premium being returned viz NEFT/RTGS to the above mentioned bank account of the petitioner, on the same date as the hearing for withdrawal of the present Writ Petitions.

b. On the same date as the payment of Rs.1,07,85,200/- to the petitioner's account within the stipulated time period, the petitioner undertakes to return the original of the pay order dated 20.03.2020 to the Counsel for the respondent (which has since lapsed).

3. The respondent has agreed to the above terms and has authorised its duly Authorized Advocate on Record to endorse the acceptance of abovementioned terms of payment and withdrawal of the present Writ Petitions. In acceptance of the terms set out in this Memorandum, the Advocate for the Respondent has counter-signed the present Memorandum.

4. Therefore, the counsel for the petitioner prays that the present Writ Petitions may be withdrawn after recording the terms set out in the present Memorandum, with liberty to file fresh Writ Petitions in the event that the respondent fails to make payment of Rs.1,07,85,200/- within 24 hours of the date of hearing for withdrawal of the present Writ Petitions and fails to honour the terms set out hereinabove.

The said Memorandum of Withdrawal is recorded.

3. As the said amount has already been paid to the petitioner, the Writ Petitions are dismissed as withdrawn. No costs. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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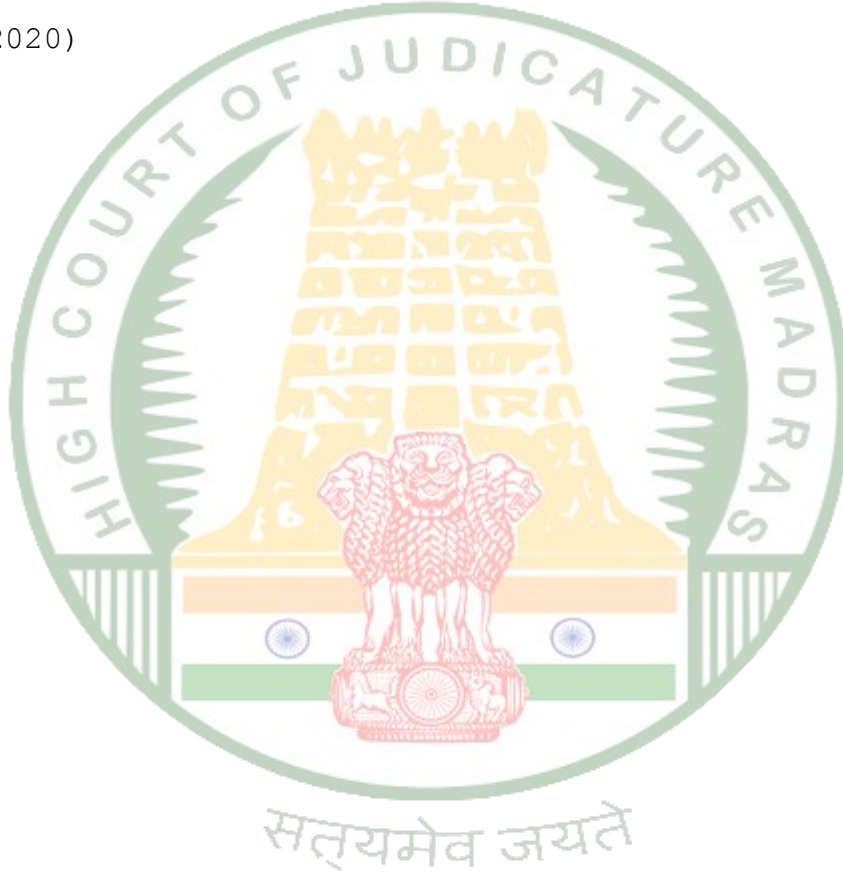
To

The National Insurance Company Limited,
Chennai Division VI 25,
Mamatha Complex, Whites Road,
Royapetah, Chennai - 600 014.

+1cc to Mr.Karthik Sundaran, Advocate SR.36193

W.P.No.7908, 7911 and 7914 of 2020
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AD(CO)
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