



WEB COPY

/ 1 /

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 06TH DAY OF AUGUST 2020

THE HON'BLE MR. JUSTICE M.SUNDAR

A. No.1556 of 2020
in
O.P.D.No.44596 of 2020

M/S.BHARAT SANCHAR NIGAM LIMITED,
REP. BY ITS CHIEF GENERAL MANAGER,
SOUTHERN TELECOM PROJECTS,
No.25, BSNL Towers,
Greenways Lane,
Raja Annamalai Puram,
Chennai - 600 028

..Petitioner/Petitioner

-Vs-

1. MICRO AND SMALL ENTERPRISES FACILITATION COUNCIL,
JAIPUR(THIRD),
Office of Commissioner of Industries,
Government of Rajasthan, Udyog Bhavan,
Tilak Marg, Jaipur, Rajasthan - 302 005.

2. M/S. PURMA PLAST PRIVATE LIMITED,
REP. BY SRI RAGHUVeer SHARMA,
B-494, RIICO Industrial Area,
Phase I, Bhiwadi, Alwar, Rajasthan.

Respondents/Respondents

Application praying that this Hon'ble Court be pleased to waive the pre condition of deposit of 75% of impugned award amount of Rs.2,37,39,229/-, as per the Award dated 23/10/2019 made in the Case No.RJ/02/S/00619 of the 1st respondent, pending the disposal of the above Original Petition.



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

Counsel on record for applicant/petitioner has email filed a Memo dated 04.08.2020, which reads as follows:

'MEMO FILED BY APPLICANT'

The above named applicant begs to submit as follows:

1. It is humbly submitted that the applicant had received legal notice from the 2nd respondent with a Xerox copy of exparte award appended thereto, on 02/03/2020. The applicant has not received any original Award from the Council, first respondent herein, which passes the exparte award taking into consideration of refunding the liquidated damages, contrary to the 2nd respondent's claim petition relating to interest on belated payment of 19 bills.

2. It is further submitted that on 04/06/2020, challenging the Award on the basis of Xerox copy forwarded by the 2nd respondent, O.P. filed bearing S.R.No.44596/2020, along with the present application to waive the pre-deposit.

3. It is submitted that the applicant has received the Original certified copy of Award on 26/06/2020, from the first respondent along with a covering letter dated 09/06/2020. It is submitted that this application in A.No.1556/2020 in O.P.Sr. No.44596 of 2020 may be permitted to be withdrawn with a liberty to the applicant permitting to deposit the amount, before the Hon'ble High Court, as pre-condition in terms of Sec.19 of MSMED Act 2006, to challenge the award, within a period of 1 month.



For the reasons stated above, it is humbly prayed that this Hon'ble Court may be pleased to pass an order permitting the applicant to withdrawn the present A.No.1556/2020 in O.P.Sr. No.44596 of 2020 with a liberty to the applicant permitting to deposit the amount, before the Hon'ble High Court, as pre-condition in terms of Sec.19 of MSMED Act 2006, for numbering the main OP in O.P.Sr. No.44596 of 2020 along with stay petition to challenging the award, within a period of 1 month from today and thus render justice.

Dated at Chennai this the 4th day of August 2020.'

2. Mr.Haja Nazirudeen, learned senior Advocate appearing on behalf of counsel on record for the applicant/petitioner is before me.

3. Applicant/petitioner is permitted to withdraw and the rights of the applicant/petitioner are preserved for taking out a suitable application regarding deposit, if necessary. To be noted, though Memo talks about liberty in this application, I am of the view that it will serve the purpose if the rights of the applicant/petitioner are preserved in the manner mentioned herein.

4. Instant Application is dismissed as withdrawn albeit preserving the rights of the applicant/petitioner to take out an application with suitable prayer regarding pre-deposit if it becomes necessary and if so advised. If



/ 4 /

the applicant/petitioner takes out such an application, though obvious, it is made clear that such application will be dealt with on its own merits.

Sd/.M.S.J.
06.08.2020

//Certified to be a true copy//
Dated this the day of 2020.

SU/20.08.2020

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.