

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 24TH DAY OF AUGUST 2020

THE HON'BLE MR. JUSTICE M.SUNDAR

O.A. No.270 of 2020

In the matter of Arbitration
and Conciliation Act 1996
and

In the matter of the Award dated
03.08.2019 Passed in the dispute arising
between the parties hereunder arising out
of the Contract Agreement dated
05.05.2011.

M/S SREE BASAVESHWAR SUGAR LTD.,
Having corporate office at, 274-C,
Thuraiyur Road, Peramballur – 621212.

..Petitioner

-Vs-

M/S.UTTAM INDUSTRIAL ENGINEERING PVT. LTD.
Having Office at A-8, Meerut Road,
Industrial Area, Ghaziabad - 201 003,
Uttar Pradesh.

..Respondent

O.A.No.270 of 2020:

M/S.UTTAM INDUSTRIAL ENGINEERING PVT. LTD.
Having Office at A-8, Meerut Road,
Industrial area, Ghaziabad - 201 003,
Uttar Pradesh.

..Applicant/Respondent

-Vs-

M/S SREE BASAVESHWAR SUGAR LTD.,

Having corporate office at, 274-C,

Thuraiyur Road, Peramballur – 621212.

..Respondent/Petitioner

Original Application praying that this Hon'ble Court be pleased to grant an interim injunction restraining the Respondents, their men and agents from in any manner seeking to alienate, dispose, create a charge on or in any manner deal with the properties of the Respondent Company pending disposal of the Original Petition.

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

Read this in conjunction with and in continuation of earlier proceedings dated 12.08.2020 being common proceedings made in captioned Original Application and OP.No.39 of 2020.

2. Pursuant to aforesaid earlier proceedings, Registry has placed the matters before Hon'ble Chief Justice, who, by an order dated 24.08.2020, has directed both the matters to be tagged and placed before OP roster Bench and therefore instant application is before me.

3. In the interregnum, learned counsel for applicant in captioned application has circulated a letter dated 20.08.2020 to the Registry, which read as follows:

'We are concerned for Uttam Industrial Engineering Pvt. Ltd., the Applicant in O.A.No.270 of 2020 and the Respondent in O.P.No.39 of 2020. The Applicant has filed O.A.No.270 of 2020, seeking a relief of interim injunction, pending disposal of the challenge to the Arbitral Award under Section 34 of the Arbitration Act, 1996 ("Act") in O.P.No.39 of 2020. The Application as well as the Original Petition were listed for hearing before Hon'ble Justice M.Sundar on 12.08.2020.

This Hon'ble Court, vide its order dated 12.08.2020, has directed the Registry to place the application as well as the Original Petition, along with the proceedings of the Hon'ble Court dated 12.08.2020, before the Hon'ble Chief Justice for suitable orders, since the relief sought in O.A.No.270 of 2020, will essentially be one under Section 9 of the Act.

However, under instructions from our Client, Uttam Industrial Engineering Pvt. Ltd., we wish to withdraw O.A.No.270 of 2020 in O.P.No.39 OF 2020 and file it afresh since the circumstances and reasons for filing the Application have altered. In view thereof, we request you to list the matter for withdrawal. Request you to do the needful.'

4. The aforesaid letter is self-explanatory.

5. The contents of the aforesaid letter are reiterated by Mr.Rahul Balaji, learned counsel on record for applicant, who is before me in this web-hearing on a video conferencing platform today.

6. Owing to the narrative thus far, instant application i.e.,

rights of the applicant to move a suitable application/petition later if the need arises and if so advised. There shall be no order as to costs.

Sd/.M.S.J.
24.08.2020

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

SU/26.08.2020

COURT OFFICER(O.S.)

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