

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2020

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THE HON'BLE MR.JUSTICE M.SUNDAR

O.P.No.78 of 2016

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O.P.No.81 of 2016

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O.P.No.264 of 2016

O.P.No.78 of 2016

Destimoney Securities Private limited
By its Director
Having its registered office at phoenix House,
B wing, 2nd floor,
Senspati Bapat Marg, Lower Parel (w)
Mumbai 400 013

Vs

....Petitioner

1. Ms Nalini M
Residing at No 3/155, Anbalayan,
Thayappa Nagar,
Koyambedu Tirupattur,
Vellore 635601
2. Mr G Prabakar, Sole Arbitrator,
National Stock Exchange,
Dr RK Road, Mylapore
Chennai 600 004

...Respondents

Original Petition filed under Section 34 of Arbitration and Conciliation Act, 1996, praying to set aside the award dated 12.08.2015 passed by the second respondent.

O.P.No.81 of 2016

Destimoney Securities Private limited
By its Director
Having its registered office at phoenix House,
B wing, 2nd floor,
Senspati Bapat Marg, Lower Parel (w)
Mumbai 400 013

... Petitioner

Vs.

1. Mr Thangakkani G
Residing at No 37/C, Selva Nagar,
Thiyagadurgam, Kallakuruchi TK,
Villupuram 606206
Tamilnadu State
2. Mr C Madasamy,
Sole Arbitrator,
National Stock Exchange,
Dr RK Road, Mylapore
Chennai 600 004

... Respondents

Original Petition filed under Section 34 of Arbitration and Conciliation Act, 1996, praying to set aside the award dated 05.08.2015 passed by the second respondent.

O.P.No.264 of 2016

Destimoney Securities Private limited
By its Director
Having its registered office
6th Floor, A-Wing, Tech Web Centre, Oshwara
New Link Road Jogeshwari- West,
Mumbai 400102

Vs.

1. Ms Radhika D
Residing at No 37/C, Selva Nagar,
Thiyagadurgam,
Kallakuruchi, Villipuram 606 206
Tamilnadu State
2. Mr N Chandrasekaran,
Sole Arbitrator,
National Stock Exchange,
Dr RK Road, Mylapore
Chennai 600 004

... Respondents

Original Petition filed under Section 34 of Arbitration and Conciliation Act, 1996, praying to set aside the award dated 12.08.2015 passed by the second respondent.

In all OPs
For Petitioner : Mr.Kunal Katariya
assisted by Ms.Lucy Massey
for Ms.Srinidhi Srinivasan

For 1st Respondent : Mr.K.Thilageswaran
in all OPs

COMMON ORDER

Captioned 'Original Petitions' ('OPs' in plural and 'OP' in singular for the sake of brevity) were listed under the caption 'FOR FINAL DISPOSAL / ARGUMENTS' today.

2. Petitioner Company is the same in all three OPs. Mr.Kunal Katariya, learned counsel assisted by Ms.Lucy Massey, on behalf of counsel on record Ms.Srinidhi Srinivasan was before me on behalf of

petitioner in all three OPs. Contesting first respondent are three different individuals in three captioned OPs and Mr.K.Thilageswaran, learned counsel on record for contesting first respondent in all three OPs is before me. Mr.Pandoo Naig, who was identified by counsel for petitioner as C.E.O. of the petitioner company also joined the hearing. To be noted, three different individuals being arbitrators who made the respective impugned awards in the OPs have been arrayed as second respondent in the concerned OPs.

3. In this listing, which is a web-hearing i.e., virtual hearing on a video-conferencing platform, learned counsel for petitioner sought leave to withdraw captioned OPs. Counsel on record Ms.Srinidhi Srinivasan e-mail filed a common memo of withdrawal, copy of which is as follows:

'MEMO

The Petitioner submits as follows:

The Petitioner seeks to withdraw the Petition- O.P. No. 78/2016, OP 81/2016 and OP 264/2016 before the Honourable Madras High Court with Liberty to file appropriate arbitral proceedings.

Dated at Chennai on this the 2nd September 2020



Counsel for Petitioner'

4. Learned counsel for petitioner while seeking leave to withdraw captioned OPs made a plea that the rights, if any, of both parties under National Stock Exchange of India Limited, bye-laws and more particularly, Chapter XI therein captioned 'ARBITRATION', may please be preserved.

5. Though the memo of withdrawal talks about liberty to file appropriate arbitral proceedings, this Court, without expressing any opinion or view on the same, permits the petitioner to withdraw captioned OPs albeit merely preserving the rights, if any of the petitioner and contesting first respondent under National Stock Exchange of India Limited, bye-laws and more particularly, Chapter XI therein captioned 'ARBITRATION'.

All three OPs will stand dismissed as withdrawn preserving the rights of the parties to the limited extent mentioned supra. There shall be no order as to costs.

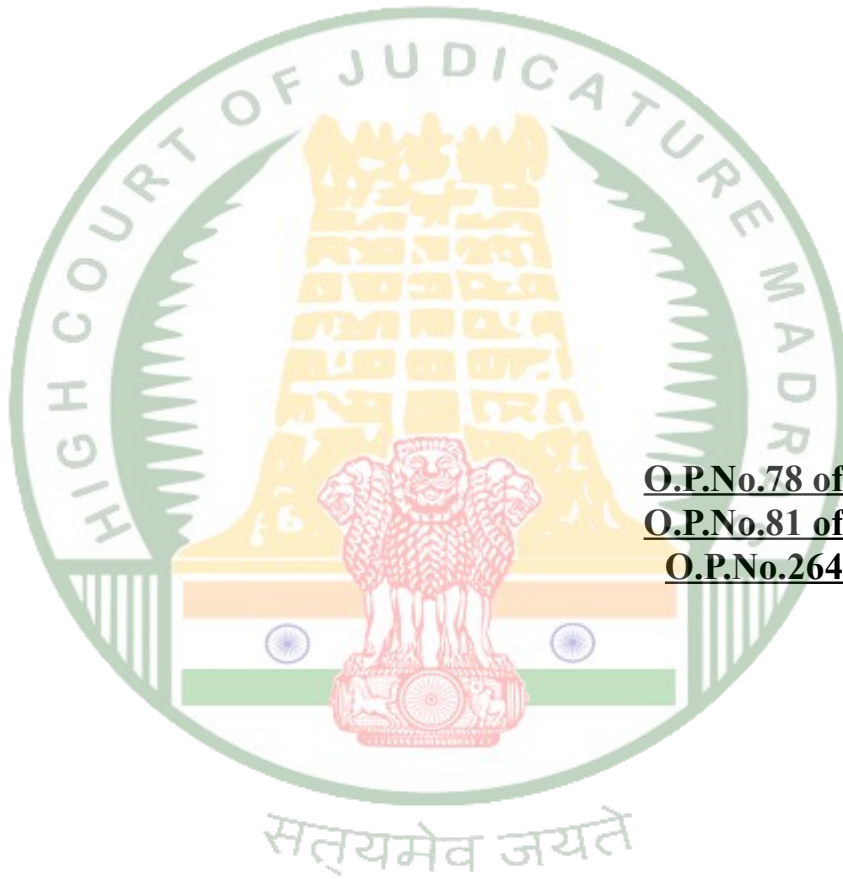
02.09.2020

O.P.No.78 of 2016 &
O.P.No.81 of 2016 &
O.P.No.264 of 2016

gpa/sgl

M.SUNDAR.J.,

gpa/sgl



**O.P.No.78 of 2016 &
O.P.No.81 of 2016 &
O.P.No.264 of 2016**

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