



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 9TH DAY OF AUGUST 2021

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

C.S.No.98 of 2020

and

A.No.970 of 2020

IL & FS Tamil Nadu Power Company Limited

4th Floor, KPR Tower,

Old No.21, New No.2,

1st Street, Subba Rao Avenue,

College Road,

Chennai – 600 006.

... Plaintiff

-Versus-

M/s. Larsen & Toubro Limited

Thermal Power Plant Construction

Mount Poonamallee Road

Post Box No. 979, Manapakkam,

Chennai – 600 089

: Defendant

Civil Suit praying that this Hon'ble Court be pleased to a Judgment and Decree against the Defendant:-

a) directing the defendant to pay the plaintiff, a sum of Rs.1,62,09,428/- (Rupees One Crore Sixty Two Lakhs Nine Thousand Four Hundred and Twenty Eight Only) together with interest at 18% per annum on Rs.1,06,07,123/- (Rupees One Crore Six Lakhs Seven Thousand One Hundred and Twenty Three Only) from 21.02.2020 till the date of



b) directing the defendant to pay costs of the suit to the plaintiff.

A.No.970 of 2020

IL & FS Tamil Nadu Power Company Limited
4th Floor, KPR Tower,
Old No.21, New No.2,
1st Street, Subba Rao Avenue,
College Road,
Chennai – 600 006.

... Applicant/Plaintiff

-Versus-

1. M/s. Larsen & Toubro Limited
Thermal Power Plant Construction
Mount Poonamallee Road
Post Box No. 979, Manapakkam,
Chennai – 600 089

: 1st Respondent/Defendant

2. ICICI Bank Ltd,
Nungambakkam Branch,
110, Prakash Presidium,
Uthamar Gandhi Salai,
Chennai 600 034.

..2nd Respondent/Garnishee

Application praying that this Hon'ble Court be pleased to issue a Prohibitory Order Prohibiting the 2nd Respondent/Garnishee from making any payment to the 1st Respondent/Defendant or on its behalf of the extent of Rs.1,62,09,428/- (Rupees One Crore Sixty Two Lakhs Nine Thousand Four Hundred and Twenty Eight Only) from any accounts and/or deposits held by the 1st Respondent/Defendant in the 2nd Respondent Bank and consequently direct the 2nd Respondent/Garnishee to deposit the said sum



of Rs.1,62,09,428/- (Rupees One Crore Sixty Two Lakhs Nine Thousand Four Hundred and Twenty eight Only) to the credit of this Suit, within a date to be fixed by this Honble Court.

This Civil Suit along with the Application coming on this day before this Court for hearing in the presence of Mr.Manoj Menon, Advocate for the Plaintiff in C.S.No.98 of 2020 and for the Applicant in A.No.970 of 2020 and Mr.K.Shivakumar, Advocate for the Defendant in C.S.No.98 of 2020 and for the 1st Respondent in A.No.970 of 2020 and upon reading the judge's summons and the affidavit of P.Sekar filed in A.No.970 of 2020 and the order dated 21.12.2020 made in A.No.1699 of 2020 in C.S.No.98 of 2020 and this Court having observed that the matter was referred to Arbitrator and today, the learned counsels report that an Award has been passed in the arbitration proceedings and this Court doth recording the same,

it is ordered as follows:-

That the suit in C.S.No.98 of 2020 do stand closed.

2. That a certificate under Section 69 of The Tamil Nadu Court Fees and Suits Valuation Act 1955, do issue herein, out of and under the seal of this Court in favour of IL & FS Tamil Nadu Power Company Limited, the Plaintiff herein, authorising him to receive from the Pay and Accounts



office, High Court, Madras, a sum of Rs.1,65,630/- (Rupees One Lakh Sixty Five Thousand Six Hundred and Thirty only) being the entire Court fee paid on the plaint by the plaintiff herein.

3. That the A.No.970 of 2020 do stand closed.

WITNESS THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 9th DAY OF AUGUST 2021.

Sd/-

ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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17.08.2021

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C.S.No.98 of 2020
and
A.No.970 of 2020

ORDER:-

DATED :09.08.2021

THE HON'BLE DR.JUSTICE
G.JAYACHANDRAN

FOR APPROVAL: 17.08.2021
01.10.2021

APPROVED ON: 18.08.2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2021

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

**C.S.(Comm. Div.) No.98 of 2020
and
A.No.970 of 2020**

IL & FS Tamil Nadu Power Company Limited,
4th Floor, KPR Tower,
Old No.21, New No.2,
1st Street, Subba Rao Avenue,
College Road, Chennai 600 006.

.. Plaintiff

VS

M/s.Larsen & Toubro Limited,
Thermal Power Plant Construction,
Mount Poonamallee Road,
Post Box No.979, Manapakkam,
Chennai 600 089.

...Defendant

Prayer:Civil Suit filed under Order IV Rule I of the O.S.Rules read with Order VII Rule I of C.P.C. Section 7 of the Commercial Courts Act, 2016rpraying for the following:

a) directing the defendant to pay the plaintiff, a sum of Rs.1,62,09,428/- (Rupees One Crore Sixty Two Lakhs Nine Thousand Four Hundred and Twenty Eight Only) together with interest at 18% per annum on Rs.1,06,07,123/- (Rupees One Crore Six Lakhs Seven Thousand One Hundred and Twenty Three Only) from 21.02.2020 till the date of realization.



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b) directing the defendant to pay costs of the suit to the plaintiff.

For Plaintiff : Mr.Manoj Menon

For Defendant : Mr.K.Shivakumar

J U D G M E N T

Pending suit, the matter was referred to Arbitrator and today, the learned counsels report that an Award has been passed in the arbitration proceedings. Recording the same, the suit is closed. The plaintiff is entitled for refund of Court fee as per law. Consequently, the connected application is closed.

Sd./- G.J.J
09.08.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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