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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 07th DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P. No.491 of 2013

In the matter of Arbitration &
Conciliation Act, 1996 and

In the matter of Award dated
05.02.2013, in Proceedings bearing
No.MSEFC/CR/40/2010.

M/s Ador Welding Ltd.,
A Company incorporated under the
Indian Companies Act VII of 1913,
and Represented by its
Plant In-Charge Mr.N.Venkatraman,
Having Registered Office at Ador House, 6,
K.Dubash Marg, Fort, Mumbai.

Factory at
Melakottaiyur,
Via Vandalur,
Chennai 600 048.

... Petitioner

Vs.

1. MSE Facilitation Council,
Represented by its Chairman,
Mr.Harmandar Singh,
Chepauk, Chennai 600 005.

2. Thiru S.Ashok, Joint Secretary,
TANSTIA, Chennai, Member,
MSEF Council, Chennai Region.

3. Thiru D.Gandhi Kumar,
Vice President, FISME, New Delhi,
Member, MSEF Council, Chennai Region.



4. Thiru A.Aruna Kumar,
Chief Manager, Indian Overseas Bank,
Lead Bank, Chennai.
Member, MSEF Council, Chennai Region.

5. Thiru S.Muralidharan,
Regional Manager,
Tamil Nadu Industrial Investment Corporation,
Chennai. Member, MSEF Council,
Chennai Region.

6. G.K.Roofings India Pvt. Ltd.,
Regd. Office No.3A, 45th Street,
Nanganallur, Chennai 600 061.

... Respondents

Original Petition praying that this Hon'ble Court be pleased to

- a) Set aside the Award passed by the respondents 1 to 5 dated 05.02.2013, in proceedings bearing No.MSEFC/CR/40/2010
- b) Order the costs of the present petition.

This Original Petition coming on this day before this court for hearing in the presence of Mr.T.Ravichandran, advocate for the petitioner herein and A.K.Sriram for Mr.A.S.Kailasam & Associates, Advocates for the 6th Respondent herein and the respondents 1 to 5 herein not appearing in person or by advocate and upon reading the petition filed herein and Memo of Compromise signed by the Petitioners and the 6th respondent with the respective advocates and the said advocates for the parties hereto praying this Court to pass an order in terms of Memo of Compromise morefully



WEB COPY it is ordered as follows :-

That the petitioner and the 6th respondent herein have agreed to settle the sums adjudged payable under the award dated 05.02.2013 passed by the MSME, Chennai and the petitioner and the 6th respondent have agreed to settle the dispute at the amount of the above award along with interest at 12 percent per annum and the petitioner has agreed to pay and the 6th respondent has agreed to receive a sum of Rs.5,98,889/- along with interest at 12 percent per annum from 05.02.2013 to 05.10.2021 as full satisfaction of the sums due and payable under the award dated 05.02.2013.

2. That the parties agree that the respondent herein shall be entitled to and shall be paid a sum of Rs.12,21,743/- comprising of Rs.5,98,889/- being the award amount and a sum of Rs.6,22,854/- being the simple interest at 12 percent per annum from 05.02.2013 to 05.10.2021 in full and final settlement of the claim of the 6th respondent.

3. That the 6th respondent herein shall be entitled to withdraw a sum of Rs.12,21,743/- (Rupees twelve lakhs twenty one thousand and seven hundred and forty three only from out of the money lying to the credit of O.P.491 of 2013 before this Hon'ble Court.

4. That upon such payment, the sums adjudged payable under the award dated 05.02.2013 shall stand satisfied.



5. That there shall be no costs of this Petition.

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Memo of Compromise



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27.12.2021

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O.P. No.491 of 2013

ORDER:-

DATED: 07.10.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 30.12.2021

APPROVED ON : 03.01.2022

Copy To:

1. The Registrar General,
High Court, Madras.

2. Accounts Section.



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 07.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

O.P.No.491 of 2013

M/s Ador Welding Ltd.,
A Company incorporated under the
Indian Companies Act VII of 1913,
rep. by its Plant Incharge Mr.N.Venkatraman,
registered office at Ador House, 6,
K.Dubash Marg, Fort, Mumbai.

Factory at Melakottaiyur,
Via Vandalur, Chennai 600 048.

... Petitioner

Vs.

1. MSE Facilitation Council,
Rep. by its Chairman, Mr.Harmandar Singh,
Chepauk, Chennai 600 005.
2. Thiru S.Ashok, Joint Secretary,
TANSTIA, Chennai, Member,
MSEF Council, Chennai Reion.
3. Thiru D.Gandhi Kumar,
Vice President, FISME, New Delhi,
Member, MSEF Council, Chennai Region.
4. Thiru A.Aruna Kumar,
Chief Manager, Indian Overseas Bank,
Lead Bank, Chennai.
Member, MSEF Council, Chennai Region.



5. Thiru S.Muralidharan,
Regional Manager,
Tamil Nadu Industrial Investment Corporation,
Chennai. Member, MSEF Council,
Chennai Region.

6. G.K.Roofings India Pvt. Ltd.,
Regd. Office No.3A, 45th Street,
Nanganallur, Chennai 600 061.

... Respondents

PRAYER: Original Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 read with Section 19 of the Micro, Small, and Medium Enterprises Development Act, 2006 to set aside the Award passed by the respondents 1 to 5 dated 05.02.2013, in proceedings bearing No.MSEFC/CR/40/2010.

For petitioner : Mr.T.Ravichandran

For respondents : Mr.A.K.Sriram for
Mr.A.S.Kailasam & Associates for R6
No appearance for R1 to R5.

ORDER

This Original petition has been filed to set aside the Award passed by the respondents 1 to 5 dated 05.02.2013.

2. Today, when the matter is listed for hearing, the learned counsels appearing for the petitioner and the 6th respondent submitted that the matter has been settled between the parties. Further, it is submitted that the parties

are agreed that the petitioner shall pay a sum of Rs.5,98,889/- along with



interest at 12% per annum from 05.02.2013 to 05.10.2021, which comes to Rs.12,21,743/-, as full and final settlement and in view of the above, the 6th respondent shall entitle to withdraw a sum of Rs.12,21,743/- lying in the credit of O.P.491 of 2013 before this court and upon such payment, the sums adjudged payable under the Award dated 05.02.2013 shall stand satisfied.

3. To that effect, a compromise memo, duly signed by the petitioner and the 6th respondent dated 04.10.2021 has been filed, and the same is placed on record.

4. Accordingly, the Original Petition is disposed of in terms of the Memorandum of Compromise dated 04.10.2021. The Memorandum of Compromise shall form part of the records. No costs.

Sd./-N.S.K.J
07.10.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.