

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 15TH DAY OF APRIL 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A.Nos. 1714 to 1717 of 2020

In the matter of Arbitration &
Conciliation Act 1996

And

In the matter of disputes and
differences Arising out of
Purchase Orders dated 04.03.2013
and in the matter of award dated
13.07.2020.

M/S ENEXIO POWER COOLING SOLUTIONS
INDIA PRIVATE LIMITED,
No.443, Anna Salai,
Teynampet,
Chennai - 600 018,
Rep.by President and CEO Mr.T.Parasuram.

..Applicant

in all applications

-Vs-

1. M/S.OPG POWER GENERATION PRIVATE LIMITED,

2. M/S.GITA POWER AND INFRASTRUCTURE
PRIVATE LIMITED.

Both Having Registered office at OPG Nagar,
Periya Obulapuram Village, Nagaraja Kandigai,
Madharapakkam Road, Gummidipoondi,
Thiruvallur-601 201.

..Respondents

in all applications

A.No.1714 of 2020:

Application praying that this Hon'ble Court be pleased to pass an order directing the Respondents jointly and severally to furnish security for a sum of Rs.10,39,31,611/- as on 31/07/2020 together with further interest from 01/08/2020 until date of furnishing security as per award dated 13/07/2020 within such time as may be directed by this Hon'ble Court, failing which this Hon'ble Court may be pleased to issue an order of attachment of the Escrow and Retention Account of the 1st Respondent maintained with Union Bank of India, Industrial Finance Branch, Broadway.

A.No.1715 of 2020:

Application praying that this Hon'ble Court be pleased to pass an order directing the Respondents jointly and severally to furnish security for a sum of Rs.10,39,31,611/- as on 31/07/2020 together with further interest from 01/08/2020 until date of furnishing security as per award dated 13/07/2020 within such time as may be directed by this Hon'ble Court, failing which this Hon'ble Court may be pleased to issue an order of attachment of the Escrow and Retention Account of the 1st Respondent maintained with Punjab National Bank, Mylapore Branch.

A.No.1716 of 2020:

Application praying that this Hon'ble Court be pleased to pass an order directing the Respondents jointly and severally to furnish security for a sum of Rs.10,39,31,611/- as on 31/07/2020 together with further interest from 01/08/2020 until date of furnishing security as per award dated 13/07/2020 within such time as may be directed by this Hon'ble Court, failing which this Hon'ble Court may be pleased to issue an order of attachment of the equity investment of 73.49 percent (comprising Class A and Class B shares) held by 2nd Respondent in the 1st Respondent Company.

A.No.1717 of 2020:

Application praying that this Hon'ble Court be pleased to pass an order directing the Respondents to state on oath within such time as this Hon'ble Court deem fit, full and complete details of assets (fixed assets and current assets including all moveable and immovable properties) and bank accounts with balances maintained therein as on date and outstanding creditors as on date.

These applications are coming on this day before this court for

The above applications have been filed to direct the respondents to furnish security and also direct them to state on oath about the complete details of assets and bank accounts with balances maintained therein as on date and outstanding creditors as on date.

2. Heard the learned counsel for the applicant and the learned senior counsel for the respondents.

3. It is submitted by the learned counsel for the applicant that already Section 34 application has been allowed. In such view of the matter, the relief sought for herein has become infructuous. Hence, he seeks permission of this Court to withdraw the above applications.

4. In view of the submission made by the learned counsel for the applicant, the above applications are dismissed as withdrawn.

Sd/N.S.K.J.
15.04.2021

//Certified to be a true copy//
Dated this the day of 2021.

SU./28.04.2021

COURT OFFICER(O.S.)

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