



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 22nd DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE N. SATHIS KUMAR

A. No.3126 of 2021

in

OP.No.358 of 2021

O.P.No.358 of 2021:-

In the matter of Arbitration and
Conciliation Act, 1996

and

In the matter of setting aside of the
Arbitral Award dated 13.02.2020
passed by Mr.J.Krishnamoorthy, the
Sole Arbitrator.

M/s. Nittus Logistics(India) Private Limited,
Represented by its Authorized Representative,
S.Sankaralingam
Having Office at No.554-555,
Chaitanya Capitale,
8th Floor, (8-B), Anna Salai,
Teynampet, Chennai-600 018.

... Petitioner

-Versus-

M/s. Aarkays Consultants,
Represented by its proprietor
Mr.R.Krishnamurthy
Having its registered office at,
75/4, IInd Floor, First Avenue,
Ashok Nagar, Chennai 600 083.

... Respondent

**A.No.3126 of 2021:-**

M/s. Aarkays Consultants,
Rep by its proprietor
Mr.R.Krishnamurthy
Having its registered office at,
75/4, 2nd Floor, First Avenue,
Ashok Nagar, Chennai 600 083.

... Applicant

-Versus-

M/s. Nittus Logistics(India) Pvt.Ltd,
Rep.By its Authorized Representative,
S.Sankaralingam
having Office at No.554-555,
Chaitanya Capitale,
8th Floor, (8-B),
Anna Salai,
Teynampet, Chennai-600 018.

... Respondent

Application praying that this Hon'ble Court be pleased to permit the Applicant to withdraw the entire sum of Rs.30,00,000/- (Rupees thirty lakhs) deposited to the credit of O.P.358 of 2021.

This application coming on this day before this court for hearing through video conferencing in the presence of Mr.P.V.S.Giridhar for M/s.Giridhar and Sai, advocates for the applicant herein and Mr.N.R.R.Arun Natarajan, advocate for the respondent herein and upon reading the J/S and the affidavit of R. Krishnamurthy and certificate of



2021 and A.No.1828 of 2021 and it is ordered as follows:-

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That on executing necessary security by the applicant herein before the Registrar General and also giving undertaking to redeposit the amount as and when required along with interest if any ordered by this court.

2. That the Registrar General of this court, do pay a sum of Rs.30,00,000/- (Rupees thirty lakhs only) now in court deposit standing to the credit of OP.No 358 of 2021 to M/s. Aarkays consultants, rep.by its proprietor, Mr.R.Krishnamurthy, the applicant herein and issue a cheque therefor in their favour, along with accrued interest if any.

3. That the OP.No 358 of 2021 be posted on 02/11/2021 for arguments.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
22nd DAY OF SEPTEMBER 2021.

Sd/-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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13.10.2021

01.11.2021

A.No.3126 of 2021
in
OP.No.358 of 2021

ORDER

DATED : 22.09.2021

THE HON'BLE MR.JUSTICE
N. SATHISH KUMAR

FOR APPROVAL: 01.11.2021

APPROVED ON: 01.11.2021

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: 22.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

A.No.3126 of 2021

in

O.P.No.358 of 2021

M/s. Aarkays Consultants,
rep. By its Proprietor
Having registered Office at,
75/4, II Floor, First Avenue,
Ashok Nagar,
Chennai-600 083.

... Applicant

..Vs..

M/s.Nittsu Logistics(India) Private Limited,
Represented by its Authorized Representative,
Having Office at No.554-555,
Chaitanya Capitale,
8th Floor,(8-B),Anna Salai,
Teynampet, Chennai-600 018.

... Respondent

PRAYER : Application filed under Order XIV Rule 8 of Original Side rules read with Order 31 Rule 9 of O.S. rules, to permit the applicant to withdraw the entire sum of Rs.30,00,000/-(Rupees Thirty Lakhs) deposited to the credit of O.P.358 of 2021.

For Applicant :

Mr.P.V.S.Giridhar for
M/s. Giridhar And Sai



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For Respondents : Mr.N.R.R.Arun Natarajan

ORDER

(This case has been heard through video conference)

This Application has been filed to permit the applicant to withdraw the entire sum of Rs.30,00,000/- (Rupees thirty lakhs only) deposited to the credit of O.P.No.358 of 2021.

2. It appears that the award has been passed on 13.02.2020 awarding a sum of Rs.24,94,833/- (Rupees twenty four lakhs ninety four thousand eight hundred and thirty three only) with future interest @ 9%.

3. It is the contention of the applicant that the respondent has availed the services of the applicant for the period from 01.07.2016 to 30.09.2016, and it has duly approved the attendance of the manpower provided by the applicant. The applicant has already incurred cost for them. Therefore, the applicant seeks to withdraw the amount deposited in the Court. He is also ready to execute security deposit and to redeposit the said amount, if the respondent succeeds in the O.P.No.358 of 2011.

4. Though this application has been filed in the month of July



2021, the matter has been adjourned along with the main Original Petition filed challenging the award. This Court has adjourned the main Original Petition on several occasions, at the request of learned counsel appearing for both sides that they have filed the petition challenging the award and they will argue the matter. Even today, they are not ready to argue the matter and again seeks adjournment. Therefore, this Court is of the view that keeping the application for payment out pending for several months, in fact, it would defeat the very object of the commercial dispute. Hence, the applicant is permitted to withdraw the sum of Rs.30,00,000/- deposited to the credit of O.P.No.358 of 2021 along with accrued interest, if any, on executing necessary security before the Registrar General and also giving undertaking to redeposit the amount as and when required along with interest if any ordered by this Court.

5. With the above direction, this application is ordered. Post the main O.P. for arguments on 02.11.2021.

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

22/09/2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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