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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 28TH DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

Arb. A.Nos. 244 & 245 of 2021

and

Arb.A.No. 7 & 8 of 2021

In the matter of Arbitration and  
Conciliation Act, 1996

and

In the Matter of Disputes between  
M.Pallonji Shipping Pvt. Ltd.

And

Poompuhar Shipping Corporation Ltd.

M. Pallonji Shipping Private Ltd.,

Rep. by its Director,

No. 44, Cawasji Patel Street,

Fort, Mumbai – 400 001.

... Applicant/Applicant

-Versus-

1. M/s. Poompuhar Shipping corporation Ltd.

Rep. By its Managing Director

Registered Office at

No. 692, Anna Salai, IV Floor,

Nandanam, Chennai – 600 035.

2. Tamil Nadu Power Finance and Infrastructure  
Development Corporation Ltd.

Tufidco-Powerfin Tower,

490/3-4, Anna Salai,

Nandanam, Chennai – 600 035.

3. State Bank of India,

Overseas Branch,

86, Rajaji Salai, Chennai – 600 001.



4.State Bank of India  
Nandanam Branch, EVR PeriyarMaligai,  
474, Anna Salai,  
Nandanam,  
Chennai – 600 035.

5. Indian Bank,  
Nandanam Branch,  
480, Anna Salai, Nandanam,  
Chennai – 600 035.

... Respondents/Respondents

**Arb. A.Nos. 244 of 2021**

Arbitration Application praying that this Hon'ble Court be pleased to pass an order of Payment out of INR 19,71,00,000/- (Indian Rupees Nineteen Crore Seventy One Lakh Only) as follows:

(i) Direct the Registry of this Hon'ble Court to pay the sum of INT 3,50,00,000/- (Rupees Three Crores and Fifty Lakhs Only) lying in Court Deposit to the credit of the above application in favour of the applicant by issuing a cheque favouring the applicant or transfer the said funds to the account of the applicant with HDFC Bank by RTGS/NEFT Mode

| Bank Name        | HDFC BANK LTD                           |
|------------------|-----------------------------------------|
| Branch           | Nanik Motwani Marg, Fort Branch, Mumbai |
| Beneficiary Name | M. Pallonji Shipping Private Limited    |
| Beneficiary A/c. | 006 003 3000 09 716                     |
| IFSC Code        | HDFC0000060                             |
| SWIFT Code       | HDFCINBB                                |

(ii) Direct the 1<sup>st</sup> Respondent to withdraw the sum of INR 7,43,58,090/- (Rupees Seven Crores Forty Three Lakhs Fifty Eight Thousand Ninety Only) Lying to the credit of the O.A.Nos. 328 and 329 of



2021 in Indian Bank, Esplanade Branch and pay the same to the applicant either by issuing a cheque favouring the applicant or transfer the said funds to the account of the applicant with HDFC Bank by RTGS / NEFT Mode

| Bank Name        | HDFC BANK LTD                           |
|------------------|-----------------------------------------|
| Branch           | Nanik Motwani Marg, Fort Branch, Mumbai |
| Beneficiary Name | M. Pallonji Shipping Private Limited    |
| Beneficiary A/c. | 006 003 3000 09 716                     |
| IFSC Code        | HDFC0000060                             |
| SWIFT Code       | HDFCINBB                                |

**Arb. A.Nos. 245 of 2021**

In the matter of Arbitration and  
Conciliation Act, 1996

and

In the Matter of Disputes between  
M.Pallonji Shipping Pvt. Ltd.

And

Poompuhar Shipping Corporation Ltd.

M. Pallonji Logistics Private Ltd.,  
Rep by its Director,  
No. 44, Cawasji Patel Street,  
Fort, Mumbai – 400 001.

... Applicant/Applicant

-Versus-

1. M/s. Poompuhar Shipping corporation Ltd.  
Rep. By its Managing Director  
Registered Office at  
No. 692, Anna Salai, IV Floor,  
Nandanam,  
Chennai – 600 035.

2. Tamil Nadu Power Finance and Infrastructure  
Development Corporation Ltd.  
Tufidco-Powerfin Tower,  
490/3-4, Anna Salai,  
Nandanam, Chennai – 600 035.



3. State Bank of India,  
Overseas Branch,  
86, Rajaji Salai,  
Chennai – 600 001.

4. State Bank of India  
Nandanam Branch, EVR Periyar Maligai,  
474, Anna Salai,  
Nandanam,  
Chennai – 600 035.

5. Indian Bank,  
Nandanam Branch,  
480, Anna Salai, Nandanam,  
Chennai – 600 035.

... Respondent/Defendant

**Arb. A.Nos. 245 of 2021**

Arbitration Application praying that this Hon'ble Court be pleased to pass an order of Payment out of INR 19,71,00,000/- (Indian Rupees Nineteen Crore Seventy One Lakh Only) as follows:

(i) Direct the Registry of this Hon'ble Court to pay the sum of INR 3,50,00,000/- (Rupees Three Crores and Fifty Lakhs Only) lying in Court Deposit to the credit of the above application in favour of the applicant by issuing a cheque favouring the applicant or transfer the said funds to the account of the applicant with HDFC Bank by RTGS/NEFT Mode

| Bank Name        | HDFC BANK LTD                           |
|------------------|-----------------------------------------|
| Branch           | Nanik Motwani Marg, Fort Branch, Mumbai |
| Beneficiary Name | M. Pallonji Logistics Private Limited   |
| Beneficiary A/c. | 006 003 3000 09 716                     |
| IFSC Code        | HDFC0000060                             |



| Bank Name  | HDFC BANK LTD |
|------------|---------------|
| SWIFT Code | HDFCINBB      |

(ii) Direct the 1<sup>st</sup> Respondent to withdraw the sum of INR 5,27,73,932/- (Rupees Five Crores Twenty Seven Lakhs Seventy Three Thousand Nine Hundred and Thirty Two Only) lying to the credit of the O.A.Nos. 328 and 329 of 2021 in Indian Bank, Esplanade Branch and pay the same to the applicant either by issuing a cheque favouring the applicant or transfer the said funds to the account to the applicant with HDFC Bankby RTGS/NEFT Mode

| Bank Name        | HDFC BANK LTD                           |
|------------------|-----------------------------------------|
| Branch           | Nanik Motwani Marg, Fort Branch, Mumbai |
| Beneficiary Name | M. Pallonji Logistics Private Limited   |
| Beneficiary A/c. | 006 003 3000 09 716                     |
| IFSC Code        | HDFC0000060                             |
| SWIFT Code       | HDFCINBB                                |

**Arb. A.No. 7 of 2021**

M/s. Poompuhar Shipping corporation Ltd.  
Rep. By its Chairman & Managing Director  
Registered Office at  
No. 692, Anna Salai, IV Floor,  
Nandanam, Chennai – 600 035.

... Applicant

-Versus-

1. M/s. Pallonji Logistics Private Ltd.,  
Rep by its Director,  
No. 44, Cawasji Patel Street,  
Fort, Mumbai – 400 001.



2. Tamil Nadu Power Finance and Infrastructure  
Development Corporation Ltd.

TUFIDCO-Powerfin Tower,  
490/3-4, Anna Salai,  
Nandanam, Chennai – 600 035.

3. State Bank of India,  
Overseas Branch,  
86, Rajaji Salai, Chennai – 600 001.

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Nandanam Branch, EVR Periyar Maligai,  
474, Anna Salai,  
Nandanam, Chennai – 600 035.

5. Indian Bank,  
Nandanam Branch,  
480, Anna Salai, Nandanam,  
Chennai – 600 035.

... Respondent

**Arb. A.No. 7 of 2021**

Arbitration Application praying that this Hon'ble Court be pleased to vacate the prohibitory orders passed restraining the Respondent 2-5/Garnishees from making payment of Rs. 12,20,68,236.98/- and other funds of the applicant further to earlier orders of this Hon'ble High Court dated 19/05/2021 passed in OA 328 of 2021 pending the above proceedings.

**Arb. A.No. 8 of 2021**

M/s. Poompuhar Shipping corporation Ltd.  
Rep. By its Chairman & Managing Director  
Registered Office at  
No. 692, Anna Salai, IV Floor,  
Nandanam, Chennai – 600 035.

... Applicant



1. M/s. Pallonji Shipping Private Ltd.,  
Rep by its Director,  
No. 44, Cawasji Patel Street,  
Fort, Mumbai – 400 001.

2. Tamil Nadu Power Finance and Infrastructure  
Development Corporation Ltd.  
TUFIDCO-Powerfin Tower,  
490/3-4, Anna Salai,  
Nandanam, Chennai – 600 035.

3. State Bank of India,  
Overseas Branch,  
86, Rajaji Salai, Chennai – 600 001.

4. State Bank of India  
Nandanam Branch, EVR Periyar Maligai,  
474, Anna Salai,  
Nandanam, Chennai – 600 035.

5. Indian Bank,  
Nandanam Branch,  
480, Anna Salai, Nandanam,  
Chennai – 600 035.

... Respondent

**Arb. A.No. 8 of 2021**

Arbitration Applications praying that this Hon'ble Court be pleased to vacate the prohibitory orders passed restraining the Respondents 2-5/Garnishees from making payment of Rs. 13,74,55,700.50/- and other funds of the applicant further to earlier orders of this Hon'ble High Court dated 19/05/2021 passed in OA 329 of 2021 pending the above proceedings.

These Arbitration Applications coming on this day before this court for hearing in the presence of Mr.S.Vasudevan, Advocate for the applicant in Arb.A.No. 244 & 245 of 2021 and for the 1<sup>st</sup> respondent in



Arb.A.Nos. 7 & 8 of 2021 and Mr. Rajendran Raghavan, Advocate for the 1<sup>st</sup> respondent in Arb.A.No. 244 & 245 of 2021 and for the Applicant in Arb.A.Nos. 7 and 8 of 2021 and Mr.G.Mohana Krishnan, advocate for the 2<sup>nd</sup> respondent in Arb.A.No. 244 & 245 of 2021 and 7 and 8 of 2021 and Mr.Sivakolappam, Advocate for the respondent 3<sup>rd</sup> and 4<sup>th</sup> respondent in all applications and Mr.Jayesh D.Dolia, for M/s. Aiyar & Dolia, Advocates for the 5<sup>th</sup> respondent in all applications and Mr.J. Ravindran, Additional Advocate General, Assisted by Mrs. J. Hemalatha Gajapathy, standing counsel for TNEB/TANGEDCO and upon reading the order dated 24/09/2021 made in Arb.A.No. 244 & 245 of 2021 and Arb.A.NOs. 7 & 8 of 2021 and O.A. 328 & 329 of 2021 and this court having observed that when the admitted, amount is already secured and preserved, there was no dispute in respect of the admitted liability and no further adjudication is required in this aspect, **it is ordered as follows:-**

That out of Rs.12 Crores Deposited in No lien account by poompugar shipping corporation, the respondent in Arb.No. 245 of 2021,

The M.Pallonji Logistics Private Ltd., the Applicant in Arb.A.No. 245 of 2021 shall be entitled to withdraw a sum of Rs. 8,77,73,932/- ( Rupees Eight Crores Seventy Seven Lakhs Seventy Three Thousand Nine Hundred and Thirty Two Only)



244 of 2021, shall be entitled to withdraw a sum of Rs. 3,93,58,090/-

(Rupees Three Crores Ninety Three Lakhs Fifty Eight Thousand and Ninety Only)

4) That these Arb.A.Nos. 7 & 8 of 2021 do stand closed.

WITNESS, THE HON'BLE MR.JUSTICE SANJIB BANERJEE,  
CHIEF JUSTICE, HIGH COURT OF MADRAS AFORESAID, THIS THE  
28TH DAY OF OCTOBER 2021

sd/-

ASSISTANT REGISTRAR (Comm. Cases)

//Certified to be true copy//

Dated at Madras this the       day of       2022.

COURT OFFICER(O.S.)

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



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19.11.2021

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Arb. A.Nos. 244 & 245 of 2021

and

Arb.A.No. 7 & 8 of 2021

DECREE

DATED 28/10/2021

THE HON'BLE MR.JUSTICE

N.SATHISH KUMAR

FOR APPROVAL: 30/12/2021

APPROVED ON: 05/01/2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 28TH DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

Arb. A.Nos. 244 & 245 of 2021

and

Arb.A.No. 7 & 8 of 2021

In the matter of Arbitration and  
Conciliation Act, 1996

and

In the Matter of Disputes between  
M.Pallonji Shipping Pvt. Ltd.

And

Poompuhar Shipping Corporation Ltd.

M. Pallonji Shipping Private Ltd.,

Rep. by its Director,

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-Versus-

1. M/s. Poompuhar Shipping corporation Ltd.

Rep. By its Managing Director

Registered Office at

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2. Tamil Nadu Power Finance and Infrastructure  
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Tufidco-Powerfin Tower,

490/3-4, Anna Salai,

Nandanam, Chennai – 600 035.

3. State Bank of India,

Overseas Branch,

86, Rajaji Salai, Chennai – 600 001.



4.State Bank of India  
Nandanam Branch, EVR PeriyarMaligai,  
474, Anna Salai,  
Nandanam,  
Chennai – 600 035.

5. Indian Bank,  
Nandanam Branch,  
480, Anna Salai, Nandanam,  
Chennai – 600 035.

... Respondents/Respondents

**Arb. A.Nos. 244 of 2021**

Arbitration Application praying that this Hon'ble Court be pleased to pass an order of Payment out of INR 19,71,00,000/- (Indian Rupees Nineteen Crore Seventy One Lakh Only) as follows:

(i) Direct the Registry of this Hon'ble Court to pay the sum of INT 3,50,00,000/- (Rupees Three Crores and Fifty Lakhs Only) lying in Court Deposit to the credit of the above application in favour of the applicant by issuing a cheque favouring the applicant or transfer the said funds to the account of the applicant with HDFC Bank by RTGS/NEFT Mode

| Bank Name        | HDFC BANK LTD                           |
|------------------|-----------------------------------------|
| Branch           | Nanik Motwani Marg, Fort Branch, Mumbai |
| Beneficiary Name | M. Pallonji Shipping Private Limited    |
| Beneficiary A/c. | 006 003 3000 09 716                     |
| IFSC Code        | HDFC0000060                             |
| SWIFT Code       | HDFCINBB                                |

(ii) Direct the 1<sup>st</sup> Respondent to withdraw the sum of INR 7,43,58,090/- (Rupees Seven Crores Forty Three Lakhs Fifty Eight Thousand Ninety Only) Lying to the credit of the O.A.Nos. 328 and 329 of



2021 in Indian Bank, Esplanade Branch and pay the same to the applicant either by issuing a cheque favouring the applicant or transfer the said funds to the account of the applicant with HDFC Bank by RTGS / NEFT Mode

| Bank Name        | HDFC BANK LTD                           |
|------------------|-----------------------------------------|
| Branch           | Nanik Motwani Marg, Fort Branch, Mumbai |
| Beneficiary Name | M. Pallonji Shipping Private Limited    |
| Beneficiary A/c. | 006 003 3000 09 716                     |
| IFSC Code        | HDFC0000060                             |
| SWIFT Code       | HDFCINBB                                |

**Arb. A.Nos. 245 of 2021**

In the matter of Arbitration and  
Conciliation Act, 1996

and

In the Matter of Disputes between  
M.Pallonji Shipping Pvt. Ltd.

And

Poompuhar Shipping Corporation Ltd.

M. Pallonji Logistics Private Ltd.,  
Rep by its Director,  
No. 44, Cawasji Patel Street,  
Fort, Mumbai – 400 001.

... Applicant/Applicant

-Versus-

1. M/s. Poompuhar Shipping corporation Ltd.  
Rep. By its Managing Director  
Registered Office at  
No. 692, Anna Salai, IV Floor,  
Nandanam,  
Chennai – 600 035.

2. Tamil Nadu Power Finance and Infrastructure  
Development Corporation Ltd.  
Tufidco-Powerfin Tower,  
490/3-4, Anna Salai,  
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3. State Bank of India,  
Overseas Branch,  
86, Rajaji Salai,  
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4. State Bank of India  
Nandanam Branch, EVR Periyar Maligai,  
474, Anna Salai,  
Nandanam,  
Chennai – 600 035.

5. Indian Bank,  
Nandanam Branch,  
480, Anna Salai, Nandanam,  
Chennai – 600 035.

... Respondent/Defendant

**Arb. A.Nos. 245 of 2021**

Arbitration Application praying that this Hon'ble Court be pleased to pass an order of Payment out of INR 19,71,00,000/- (Indian Rupees Nineteen Crore Seventy One Lakh Only) as follows:

(i) Direct the Registry of this Hon'ble Court to pay the sum of INR 3,50,00,000/- (Rupees Three Crores and Fifty Lakhs Only) lying in Court Deposit to the credit of the above application in favour of the applicant by issuing a cheque favouring the applicant or transfer the said funds to the account of the applicant with HDFC Bank by RTGS/NEFT Mode

| Bank Name        | HDFC BANK LTD                           |
|------------------|-----------------------------------------|
| Branch           | Nanik Motwani Marg, Fort Branch, Mumbai |
| Beneficiary Name | M. Pallonji Logistics Private Limited   |
| Beneficiary A/c. | 006 003 3000 09 716                     |
| IFSC Code        | HDFC0000060                             |



| Bank Name  | HDFC BANK LTD |
|------------|---------------|
| SWIFT Code | HDFCINBB      |

(ii) Direct the 1<sup>st</sup> Respondent to withdraw the sum of INR 5,27,73,932/- (Rupees Five Crores Twenty Seven Lakhs Seventy Three Thousand Nine Hundred and Thirty Two Only) lying to the credit of the O.A.Nos. 328 and 329 of 2021 in Indian Bank, Esplanade Branch and pay the same to the applicant either by issuing a cheque favouring the applicant or transfer the said funds to the account to the applicant with HDFC Bank by RTGS/NEFT Mode

| Bank Name        | HDFC BANK LTD                           |
|------------------|-----------------------------------------|
| Branch           | Nanik Motwani Marg, Fort Branch, Mumbai |
| Beneficiary Name | M. Pallonji Logistics Private Limited   |
| Beneficiary A/c. | 006 003 3000 09 716                     |
| IFSC Code        | HDFC0000060                             |
| SWIFT Code       | HDFCINBB                                |

**Arb. A.No. 7 of 2021**

M/s. Poompuhar Shipping corporation Ltd.  
Rep. By its Chairman & Managing Director  
Registered Office at  
No. 692, Anna Salai, IV Floor,  
Nandanam, Chennai – 600 035.

... Applicant

-Versus-

1. M/s. Pallonji Logistics Private Ltd.,  
Rep by its Director,  
No. 44, Cawasji Patel Street,  
Fort, Mumbai – 400 001.



2. Tamil Nadu Power Finance and Infrastructure  
Development Corporation Ltd.

TUFIDCO-Powerfin Tower,  
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474, Anna Salai,  
Nandanam, Chennai – 600 035.

5. Indian Bank,  
Nandanam Branch,  
480, Anna Salai, Nandanam,  
Chennai – 600 035.

... Respondent

**Arb. A.No. 7 of 2021**

Arbitration Application praying that this Hon'ble Court be pleased to vacate the prohibitory orders passed restraining the Respondent 2-5/Garnishees from making payment of Rs. 12,20,68,236.98/- and other funds of the applicant further to earlier orders of this Hon'ble High Court dated 19/05/2021 passed in OA 328 of 2021 pending the above proceedings.

**Arb. A.No. 8 of 2021**

M/s. Poompuhar Shipping corporation Ltd.  
Rep. By its Chairman & Managing Director  
Registered Office at  
No. 692, Anna Salai, IV Floor,  
Nandanam, Chennai – 600 035.

... Applicant



1. M/s. Pallonji Shipping Private Ltd.,  
Rep by its Director,  
No. 44, Cawasji Patel Street,  
Fort, Mumbai – 400 001.

2. Tamil Nadu Power Finance and Infrastructure  
Development Corporation Ltd.  
TUFIDCO-Powerfin Tower,  
490/3-4, Anna Salai,  
Nandanam, Chennai – 600 035.

3. State Bank of India,  
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86, Rajaji Salai, Chennai – 600 001.

4. State Bank of India  
Nandanam Branch, EVR Periyar Maligai,  
474, Anna Salai,  
Nandanam, Chennai – 600 035.

5. Indian Bank,  
Nandanam Branch,  
480, Anna Salai, Nandanam,  
Chennai – 600 035.

... Respondent

**Arb. A.No. 8 of 2021**

Arbitration Applications praying that this Hon'ble Court be pleased to vacate the prohibitory orders passed restraining the Respondents 2-5/Garnishees from making payment of Rs. 13,74,55,700.50/- and other funds of the applicant further to earlier orders of this Hon'ble High Court dated 19/05/2021 passed in OA 329 of 2021 pending the above proceedings.



These Arbitration Applications coming on this day before this Court for hearing the court made the following order.

**Arb.A.No.244 of 2021:**

This application is filed by the applicant to

(i) direct the Registry of this Court to pay the sum of Rs.3,50,00,000/- (Rupees three Crores and fifty lakhs only) lying in Court deposit to the credit of the above application in favour of the applicant by issuing cheque in favour of the applicant or transfer the said funds to the applicant Bank account with HDFC Bank by RTGS/NEFT mode.

(ii) direct the first respondent to withdraw the sum of Rs.7,43,58,090/- (Rupees seven Crores forty three lakhs fifty eight thousand and ninety only) lying to the credit of O.A.Nos.328 and 329 of 2021 in Indian Bank, Esplanade branch and the pay same to the applicant either by issuing a cheque in favour of the applicant or transfer the said funds to the applicant's HDFC Bank account by RTGS / NEFT mode.

**Arb.A.No.245 of 2021:**

This application is filed by the applicant to

(i) direct the Registry of this Court to pay the sum of Rs.3,50,00,000/- (Rupees three Crores and fifty lakhs only) lying in Court deposit to the credit of the above application in favour of the applicant by

issuing cheque in favour of the applicant or transfer the said funds to the



applicant Bank account with HDFC Bank by RTGS/NEFT mode.

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(ii) direct the first respondent to withdraw the sum of Rs.5,27,73,932/- (Rupees seven Crores twenty seven lakhs seventy three thousand nine hundred and thirty two only) lying to the credit of O.A.Nos.328 and 329 of 2021 in Indian Bank, Esplanade branch and the pay same to the applicant either by issuing a cheque in favour of the applicant or transfer the said funds to the applicant's HDFC Bank account by RTGS / NEFT mode.

2. These two applications are filed for payment of money deposited pursuant to the orders of an Hon'ble Division Bench of this Court. It is relevant to note that this Court by its order dated 15.7.2021 directed the respondents herein viz., Poompugar Shipping Corporation to deposit a sum of Rs.7,00,00,000/- (Rupees seven Crores only) to the credit of aforesaid applications before this Court on or before 26.7.2021. Though the respondents admitted the liability to the tune of Rs.19,71,31,022/- (Rupees nineteen crores seventy one lakhs thirty one thousand and twenty two only), this Court taking note of the statutory dues, directed the respondents to deposit Rs.7 Crores alone by its order dated 15.7.2021. The above matter was challenged before the Hon'ble Division Bench of this Court wherein the Hon'ble Division Bench passed the following order:



*is a government Company does not absolve it from discharging its commercial obligations. It is of no concern to the Court that the first respondent may have statutory liabilities which need to be cleared. The statutory authorities can invoke appropriate provisions and attach the assets of a recalcitrant assessee.*

*3. As far as the present claim is concerned, there is no defence to the extent of over Rs.19.71 crore out of a claim of about Rs.58 crore. In view of the recent Supreme Court judgment reported at AIR 2021 SC 2161 (Rahul S.Shah V. Jinendra Kumar Gandhi), it would not do for a defendant in a money claim to take advantage of the law's delays, particularly in a commercial matter. When a person admits any payment to be due from him to another and does not raise any counter claim, the amount admitted to be due ought to be paid, or at the very least, deposited in Court.*

*4. The appellants here refer to the usual practice by which the appellants would raise bills on the first respondent herein on a periodic basis and either monies would be paid or minor disputes would be raised which would be addressed. The appellants assert that apart from not paying even the amount which is admitted to be due and recorded as the admitted sum in the order impugned, no disputes have been raised pertaining*



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*to the other bills.*

*5. The first respondent should immediately deposit a sum of Rs.19 crores in a no lien account in any Nationalised Bank of the first respondent's choice having a branch in the city of Chennai, such deposit must be in place before the matter appears next on 25/8/2021.”*

3. Pursuant to the order passed by the Hon'ble Division Bench of this Court as stated supra, this Court by its order dated 24.9.2021 permitted the applicant to withdraw a sum of Rs.7,00,00,000/- (Rupees seven crores only) out of the amount deposited to the credit of the aforesaid applications before this Court. Thereafter, on a specific submission made by the respondent viz., Poompugar Shipping Corporation that there are other amounts due and payable by TANGEDCO. In so far as the other amounts due and payable by TANGEDCO, only after impleading TANGEDCO as party in the proceedings, the entire amounts could be settled not only to the applicant but also to other shipping owners. In order to resolve the issues though it is not raised in these applications, this Court is inclined to implead TANGEDCO as party/6th respondent. Mr.J.Ravindran, Additional Advocate General took notice for TANGEDCO filed memo and status report indicating that they are not liable to pay any amount to the Poompugar Shipping Corporation. Once TANGEDCO denied liability, this



Court cannot make any rowing enquiry in this aspect. Whether such denial is proper or not is a matter to be agitated by the Poompugar Shipping Corporation as against TANGEDCO as TANGEDCO took categorical stand that no money payable to the Poompugar Shipping Corporation. The dispute in that aspect between Poompugar Shipping Corporation and TANGEDCO, cannot be decided or resolved in these applications. It is for the Poompugar Shipping Corporation to take appropriate action as may be advised in this regard.

4. As far as the release of the remaining amount of Rs.12 Crores which was deposited in no lien account pursuant to the orders of the Hon'ble Division Bench of this Court, this Court is of the view that liability to the tune of Rs.19.71 crores is not at all disputed by the respondents. What was ordered to be deposited is an admitted amount, not disputed amount. Such being the position, when the admitted amount is already secured and preserved, there was no dispute in respect of the admitted liability and no further adjudication is required in this aspect.

5. In view of the above and recording the memo of calculation produced by Mr.Vasudevan, Counsel appearing for the applicant, this Court is inclined to pass the following order:

- (i) Out of Rs.12 Crores deposited in No lien account by



Poompugar Shipping Corporation, the applicant in Arb.A.No.245 of 2021 viz., M.Pallonji Logistics Private Ltd. is entitled to withdraw a sum of Rs.8,77,73,932/- (Rupees eight Crores seventy seven lakhs seventy three thousand nine hundred and thirty two only).

(ii) The applicant in Arb.A.No.244 of 2021 viz., M.Pallonji Shipping Private Ltd. is entitled to withdraw a sum of Rs.3,93,58,090/- (Rupees three Crores ninety three lakhs fifty eight thousand and ninety only).

With the above directions, Arb.A.No.244 and 245 of 2021 are disposed of. Consequently, Arb.A.Nos.7 and 8 of 2021 are closed.

Sd/- N.S.K.J.  
28/10/2021

//Certified to be true copy//  
Dated at Madras this the      day of      2022.

COURT OFFICER(O.S.)

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