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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(APPELLATE JURISDICTION)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER

TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

OSA No.163 of 2019

Ion Exchange (India) Limited,
Represented by its Business Advisor
and Authorized Signatory T.D.Srinivasan,
Tiecion House, Dr. E Moses Road,
Mahalaxmi, Mumbai 400011. ... Appellant/Petitioner

Vs.

Angeripalayam Common Effluent
Treatment Plant Ltd,
SF No.88, Garden Kanjampalayam,
Pitchampalayam,
Pudur (PO), Tirupur- 641603. ... Respondent/Respondent

Prayer: Appeal filed under Order XXXVI, Rule 1 of Original Side Rules and Section 37 of the Arbitration and Conciliation Act, 1996 against the order dated 30.04.2019 and made in the exercise of the Original ordinary Civil Jurisdiction of the High Court in Original Petition No.942 of 2018.

DECREE:This Original Side Appeal coming on for hearing on this day, upon perusing the Grounds of Original Side Appeal and upon hearing the arguments of Mr.Ramakrishnan Viraraghavan, Senior Advocate for Mr.G.Sivashankaran, for the appellant and of Mr.M.S.Krishnan, Senior Advocate for Mr.R.Vidhya Shankar for the Respondent and the parties



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herein having entered into a compromise between themselves and having filed into Court a Memo of Compromise requesting the Court to pass a decree in the appeal in terms thereof and the memo of compromise duly signed by the parties and by their respective counsel upon perusing the grounds of appeal and the Judgments and decree of the Lower Appellate Court and the material papers in the suit, and the Joint Memo filed herein, this Court by recording the said Joint Memo the original of which is annexed herewith and in terms thereof, dispose of the original side appeal and doth order and decree as follows;

i)that the award dated 18th April 2018 is set aside as regards first head of claim of the claimant and the entirety on the counter claim of the appellant herein;

ii)that the first head of Claim of Rs.24.14 Crores on account of capital costs made by the Claimant in the reference (Respondent herein) and the entirety on the counter claim made by the appellant herein is referred for fresh arbitration and the contentions of the parties are left open;

iii)that the deposit of Rs.4 crores made by the appellant shall be refunded immediately to the appellant without prejudice to the rights and contentions of the respondent herein the fresh reference shall be disposed of as expeditiously as possible without and party seeking to obtain any unnecessary adjournment;

iv)that there will be no order as to costs in this Original Side appeal;

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

bbr/drm

To:

1.The Sub Assistant Registrar,
Original Side,
High Court, Madras.



2.The Sub Assistant Registrar,
Accounts Section,
High Court, Madras-600 104.

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+2ccs to M/s.Sivashankaran, Advocate Sr.49600

Dated:24/09/2021

DECREE

OSA No.163 of 2019

On passing a decree in terms of the
Joint Memo dated 24/09/2021 entered
into between the appellant and
Respondent duly signed filed herein
etc, as stated within.

sj[col
srg 07/10/2021