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*A.No.1535 of 2022
in OP.No.358 of 2021*

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OP.No.358 of 2021
M.SUNDAR.,J

Captioned application has been taken out by respondent in O.P.No.358 of 2021 ['M/s.Aarkays Consultants', hereinafter 'M/s.AC' for the sake of brevity] with a prayer for payment out of Rs.30,00,000/- [Rupees Thirty Lakhs only] which is lying to the credit of OP.No.358 of 2021 owing to deposit made by petitioner in the main OP ['Nittsu Logistics (India) Pvt Ltd', hereinafter 'NLP' for the sake of brevity]. This deposit was made on 22.06.2021 pursuant to an interim order dated 23.04.2021 made in A.No.1828 of 2021. To be noted, this was a conditional order for stay of impugned award. Be that as it may, ultimately main OP i.e., OP.(Com.Div).No.358 of 2021 itself came to be dismissed on 16.11.2021 after full contest. Mr.NRR.Arun Natarajan, learned counsel for NLP which is the petitioner in the main OP very fairly submits that NLP is not carrying the matter in appeal by way of intra-court appeal and is giving legal quietus. This makes the task of disposal of the captioned application fairly simple.

2. This Court is informed that the impugned arbitral award is dated 13.02.2020 and it is for a sum of Rs.24,94,833/- together with future interest.



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WEB COPY This Court is also informed that M/s.AC has launched Execution by way of EP.No.2229 of 2021 on the file of XXV Assistant Judge's Court, City Civil Court, Allikulam, Chennai.

3. This Court is informed that the aforementioned deposit of Rs.30,00,000/- [Rupees Thirty lakhs only] is lying to the credit of captioned main OP. Mr.John Joseph.R of M/s.Giridhar and Sai submits on instructions that if the captioned application is allowed i.e., if payment out of Rs.30,00,000/- is ordered, that can be treated as full satisfaction of impugned award i.e., award dated 13.02.2020 and this full satisfaction can be recorded in EP.No.2229 of 2021 on the file of XXV Assistant Judge's Court, City Civil Court, Allikulam, Chennai. This makes the task of disposal of captioned application simpler. Mr.John Joseph.R makes a request that a time frame may be fixed for payment out considering the financial difficulty that is being faced by the applicant herein.

4. In the light of the fair stand taken by learned counsel on both sides, the following order is passed:

- (i) Captioned application is allowed directing payment out of Rs.30,00,000/- [Rupees Thirty lakhs only] lying to the credit of OP.No.358 of 2021;



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- (ii) Aforementioned payment out shall be made by the Registry to the counsel for M/s.Aarkays Consultants [applicant herein] i.e., to the counsel on record by way of an instrument drawn in favour of M/s.Aarkays Consultants after following the prescribed procedure and standard statutory deductions if any;
- (iii) On production of this order by any one of the parties, XXV Assistant Judge, City Civil Court, Allikulam, Chennai shall record full satisfaction and close EP.No.2229 of 2021 forthwith;
- (iv) Registry shall process the payment out and ensure that the instrument is handed over to the counsel on record for applicant herein i.e., M/s.Aarkay Consultants as expeditiously as possible and in any event within a month from today i.e., on or before 08.07.2022;
- (v) Mr.John Joseph.R of M/s.Giridhar and Sai submits that learned counsel would cooperate with Registry and adhere to the prescribed procedure for payment out to ensure expeditious disbursement.



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Captioned application disposed of in aforesaid manner.

08.06.2022

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