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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 21ST DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE M.SUNDAR

A. Nos.1531 and 1532 of 2022

In the matter of Section 39 of the
Arbitration and Conciliation Act,
1996

and

In the matter of Deputation
Services Agreement dated
01.12.2012 entered into between
the Applicant and the First
Respondent.

M/S. RANDSTAD INDIA PRIVATE LIMITED,
Represented by its Head Legal and Regulatory Affairs and Authorized
Representative, Mr. Tapos Moitra,
"Randstad House" Old No. 5 and 5A,
New No. 9, Pycrofts Garden Road,
Chennai -600 006

..Applicant
in both applications

-Vs-

1. M/S.EXPAT PROJECTS AND DEVELOPMENT PRIVATE LIMITED,
Represented by its Chairman and Managing Director,
Mr. Santosh Shetty, 3rd Floor,
Tower Carlton, Tower No. 1, A Wing,
Unit No. 301-314, No. 1, Old Airport Road,
Bangalore – 560008.

..Respondent
in both applications



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2.MR. K.K.MURRALITHARAN

Sole Arbitrator,
Old No. 125, New No. 257,
Canara Bank Building,
5th Floor, Room No. B,
Angappa Naicken Street,
Chennai-600 001

..Arbitrator/Respondent
in both applications

A. Nos.1531/2022:

Application praying that this Hon'ble Court be pleased to direct the Second Respondent to return and/or refund the Arbitrator's fee and expenses of Rs. 1,50,000/- paid by the Applicant to the extent determined as reasonable by this Hon'ble Court.

A. Nos.1532/2022:

Application praying that this Hon'ble Court be pleased to direct the Second Respondent to take on record the Memorandum of Settlement dated 14.12.2021 entered between the Applicant and the First Respondent and pass an Award in terms of Section 30 of the Arbitration and Conciliation Act, 1996, without insisting for payment of Arbitrator's fee and expenses from the First Respondent.

These Applications are coming on this day before this court for



Mr.Chethan Sagar of M/s.Dua Associates [Law Firm], learned counsel on behalf of the applicant in both the captioned applications is before this Court. The second respondent viz., Mr.K.K.Muralitharan is present in the Court along with Mr.M.S.Krishnan, learned Senior Counsel.

2.The second respondent very fairly submits that the Arbitral Award would be passed as expeditiously as possible and in any event within a period of 20 days from today viz., by 11.07.2022. Owing to this trajectory, learned counsel for the applicant submits that he is not pressing the captioned applications and he has also made an endorsement in the captioned applications which reads as follows:

'The Applicant on instructions is not pressing the present application.'

3.This trajectory therefore leaves us with a situation where the first respondent would not be affected in any manner by this application being filed and being withdrawn as not pressed. Therefore, this Court proceeds to permit the applicant to withdraw the captioned applications after recording the stated position of the second respondent.



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4.The captioned applications are disposed of in the aforesaid manner. There shall be no order as to costs.

Sd/.M.S.J.
21.06.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU/05.07.2022

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.