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A.No.4543 of 2018
in O.P.No.68 of 2013

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M.SUNDAR.J.,

Captioned application had been presented in this Court by the petitioner in the captioned 'main Original Petition' ['main OP'] with a prayer for stay of enforcement of the impugned award dated 03.11.2012 (as corrected by an order dated 10.12.2012) which is under challenge in the main OP.

2. Hon'ble Predecessor Judge, in and by an order dated 26.06.2018, granted an order of interim stay of execution of the impugned award on condition that the applicant/petitioner pays a sum of Rs.30 crores directly to the first respondent.

3. Today, Mr.P.S.Raman, learned Senior advocate instructed by counsel on record for applicant/petitioner and Mr.G.Masilamani, learned Senior advocate instructed by Mr.Jose John of M/s.King and Partridge (Law Firm), counsel for contesting first respondent, who are before this Court submit, on instructions from their respective instructing counsel, that the aforementioned sum of Rs.30 crores has since been duly paid and the order of interim stay of execution of impugned award is operating.



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4. To be noted, it has been made clear in the 26.06.2018 order that aforementioned payment of Rs.30 crores is only an interim measure and that it is subject to the out come of final orders in main OP. This is captured in paragraph 8 of the order made by Hon'ble Predecessor Judge which reads as follows:

'8. The payment made by the applicant is only an interim measure without prejudice to the rights of both parties and subject to the outcome of final orders in the main O.P.'

5. Now the main OP is being heard out.

6. In the light of the narrative thus far, *inter alia* considering that interim order was made more than 3½ years ago and main OP is being heard out captioned application is disposed of as closed making the aforementioned interim order absolute and further making it clear that the aforementioned sum of Rs.30 crores paid by the applicant/petitioner to the contesting first respondent/first respondent is subject to the outcome of the captioned main OP. There shall be no order as to costs.

17.03.2022
(2/2)

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