



Arb.A.No.137 of 2022

Arb. Application No.137 of 2022

M.SUNDAR.J.,

Captioned application has been presented in this Court *inter-alia* under Section 9(1)(ii)(b), (c) and (e) of 'The Arbitration and Conciliation Act, 1996 (Act No.26 of 1996)' [hereinafter 'A and C Act' for the sake of convenience and clarity] and it is predicated on 'Partial Final Foreign Award' (Foreign Award within the meaning of section 44 of A and C Act) dated 19.04.2022 made by Mr.Bruce Harris and Mr.Clive Aston.

2 Mr.P.Giridharan, learned counsel on record for applicant is before this Court.

3 The prayer pertains to bunkers qua Vessel m.v. BLUE SAPPHIRE which this court is informed is now berthed in Tuticorin Port. It comes to light that the estimated departure is 6.00 a.m. tomorrow. It is also submitted that the next Port of call is likely to be Kandla Port. Considering the time scenario, learned counsel sought leave of this Court to withdraw the captioned application but learned counsel made a plea to (a) preserve all



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the rights of the applicant Company qua aforementioned Foreign Award and its enforcement including coming to this court with similar / same prayer and (b) preserve the rights of applicant company to move any other jurisdictional Court, i.e., Gujarat High Court, if need be depending on the next Port of call.

4 Owing to the nature of the matter, prayer qua leave to withdraw is acceded to and the request to preserve the rights is also acceded to.

5 Though obvious, for the sake of specificity, it is made clear that this court has not expressed any view or opinion on the merits of the matter in this order.

6 Captioned application is closed as withdrawn preserving the rights of the applicant in the aforesaid manner. There shall be no order as to costs.

15.07.2022

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