



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.01.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P (MD) No.1539 of 2021 &
CMP (MD) No.8463 of 2021

Karam Chand Thapar & Bros. (Coal Sales) Limited,
Rep. by its Authorized Signatory,
Mr.Biswajit Mukherjee,
25, Brabourne Road,
Kolkatta - 700 001.

...Petitioner/1st Respondent

Vs.

1.Fast Freight PTE Limited,
501-502, A wing, Shelton Sapphire,
Plot No.18/19, Sector 1, Belapur,
Navi Mumbai - 400 614.
Rep. by its Authorized Signature.

...1st Respondent/Petitioner

2.NLC Tamil Nadu Power Limited,
NTPL - Tuticorin Thermal Power Project,
Harbour estate, Thoothukudi - 628 004.

...2nd Respondent/
2nd Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records pertaining to Arbitration OP.No.86/2021 on the file of the Principal District Court, Thoothukudi and strike off the same as not maintainable.

For Petitioner :Mr.ARL.Sundaresan,
Senior Advocate
for Mr.V.A.Dhana Aravindha Balan

For Respondents :Mr.Yadhunath Bhagavan
for Mr.V.Kannan for R1

Mr.K.R.Laxman for R2

ORDER

A memo has been filed on behalf of the first respondent today morning, in which, in paragraph 7, the following requisitions have been made.



"a) That this Hon'ble Court be pleased to give liberty to 1st respondent to withdraw the Arbitration Petition in OP.No.86 of 2021 filed before the Principal District Judge, Thoothukudi and file the same before the Principal Bench of the Hon'ble Madras High Court at Chennai as per Section 2(e)(ii) of the Arbitration and Conciliation Act, 1996.

b) That this Hon'ble Court be pleased to direct Principal District Judge, Thoothukudi to grant refund the Court fees amount in full to 1st respondent on withdrawal of Arbitration Petition in OP.No.86 of 2021.

c) That the Hon'ble Court be pleased to allow the status quo for a period of 4 weeks be maintained with respect to the amount of Rs.15 crores due and payable by 2nd respondent to the petitioner and the Bank Guarantee of Rs.30 crores in custody of the 2nd respondent."

2. The memo is taken on file and the following order is passed.

(a) The first respondent is permitted to withdraw the Arbitration Petition in OP.No.86/2021 filed before the Principal District Court, Thoothukudi granting them liberty to move the Principal Bench of this Court as per Section 2(e)(ii) of the Arbitration and Conciliation Act, 1996.

(b) In view of the above withdrawal of the Arbitration OP, the learned Principal District Judge, Thoothukudi is permitted to refund the Court fee paid in OP.

(c) During the course of arguments, it is brought to the notice of this Court that the amounts payable by the second respondent to the petitioner is yet to be disbursed. In the light of the withdrawal of the OP, there is no fetter to the second respondent from making all payments to the petitioner.

3. The Civil Revision Petition is allowed accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

The Principal District Judge,
Thoothukudi

WEB COPY

Copy to:

The Section Officer, V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.V.A.DHANA ARAVINDHA BALAJI, Advocate (SR-2842[F] dated 28/01/2022)

+1 CC to M/s.V.KANNAN, Advocate (SR-2880[F] dated 28/01/2022)

+1 CC to M/s.DHANA LAW ASSOCIATES, Advocate (SR-2920[F] dated 28/01/2022)

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-2996[F] dated 28/01/2022)

C.R.P(MD)No.1539 of 2021

MGJ(11.02.2022) 3P 7C