



WEB COPY



Application No.1182 of 2023
in Arb O.P.(Com.Div.) No.151 of 2021

Application No.1182 of 2023
in
Arb O.P.(Com.Div.) No.151 of 2021

KRISHNAN RAMASAMY, J

This application has been filed seeking permission to the applicant herein to withdraw the sum of Rs.87,57,902/- in fixed deposit along with accrued interest deposited by the respondent herein in O.P.D.No.43375 of 2017 towards part of the Award amount pursuant to the direction of this Court *vide* order dated 01.07.2021.

2. Learned counsel for the applicant submitted that while condoning the delay of 21 days in filing O.P.D.No.43375 of 2017, this Court, *vide* order dated 01.07.2021, directed the respondent/petitioner to deposit a sum of Rs.87,57,902/- and the O.P.D.No.43375 of 2017 was numbered as Arb O.P.(Com.Div.) No.151 of 2021. The said O.P. came to be dismissed by this Court on 03.01.2023.

3. When the matter came up on 14.03.2023, learned counsel for respondent submitted that a challenge has been made against the dismissal order dated 03.01.2023. However, no interim order has been



Application No.1182 of 2023
in Arb O.P.(Com.Div.) No.151 of 2021

WEB COPY obtained.

4. Considering the aforesaid submissions and the fact that the Arb O.P.(Com.Div.) No.151 of 2021 was dismissed by this Court by order dated 03.01.2023, this Court is of the considered view that the applicant is entitled to get the amount deposited in the Court, subject to the condition in the event, if the petitioner is successful in the OSA, the appellant/respondent shall deposit back to the same account within four weeks from the date of receipt of OSA order copy.

5. Accordingly, this Court directs as follows:

- (i) Registry is directed to payment out of Rs.87,57,902/- to and in favour of the applicant/respondent along with accrued interest as on date.
- (ii) Registrar General is directed to endorse the Fixed Deposit receipt in favour of the applicant viz., M/s.Mohata Construction Company, a construction company, so as to enable them to encash the Fixed Deposit receipt in their favour.

In the result, this application is ordered as prayed for.



WEB COPY



Application No.1182 of 2023
in Arb O.P.(Com.Div.) No.151 of 2021

20.03.2023

gm

KRISHNAN RAMASAMY, J



WEB COPY



Application No.1182 of 2023
in Arb O.P.(Com.Div.) No.151 of 2021

gm

Application No.1182 of 2023
in
Arb O.P.(Com.Div.) No.151 of 2021

20.03.2023