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Application No.1181 of 2023
in Arb O.P.(Com.Div.) No.150 of 2021

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KRISHNAN RAMASAMY, J

This application has been filed seeking permission to the applicant herein to withdraw the sum of Rs.3,17,44,914/- in fixed deposit along with accrued interest deposited by the respondent herein in O.P.D.No.47506 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.47506 of 2017, this Court, *vide* order dated 01.07.2021, directed the respondent/petitioner to deposit a sum of Rs.3,17,44,914/- and the O.P.D.No.47506 of 2017 was numbered as Arb O.P.(Com.Div.) No.150 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.



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4. Considering the aforesaid submissions and the fact that the Arb O.P.(Com.Div.) No.150 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.

5. Accordingly, this Court directs as follows:

- (i) Registry is directed to payment out of Rs.3,17,44,914/- to and in favour of the applicant/respondent along with accrued interest as on date.
- (ii) Registrar General is directed to endorse the FD Receipt in favour of the applicant viz., M/s.Maheswari Builders, a construction company, so as to enable them to encash the FD Receipt in their favour.

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

20.03.2023

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