



O.P.(Comm.Div.) No.248 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

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M/s.Yeses Infrastructure Private Ltd.,
Rep. by its Managing Director,
S. Subramanyam Naidu,
No.6-2-918/3/10, Siva Sai Nilayam,
Opp. to State Bank of India,
Khairatabad, Hyderabad – 500 004.

... Petitioner

Vs.

1.The Managing Director,
M/s.Ambur Economic
Development Organization Ltd.,
43, Raja Muthaiah Road,
Periamet, Chennai – 600 003.

2.The Chief Project Consultant,
Tamil Nadu Water Investment Co. Ltd.,
Teynampet, Chennai – 600 018.

... Respondents

Prayer: Original Petition (Commercial Division) filed under Section 34(2) of the Arbitration and Conciliation Act, 1996, praying to set aside the impugned Award dated 27.07.2020 as it is inadequate and illegal and



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to pass the entire claim as award as made in the claim statement before the Arbitrator for all the claims made for items 1 to 21 for a sum of Rs.5,20,97,708/-; to confirm the principles and conclusions set out in the award dated 27.07.2020 insofar as it relates to items in claim Nos.1,3,4,7,8,12,13,14,15,20 & 21 except the inadequate quantum; to pass the award for the item Nos.2,5,6,9,10,11,16,17,18 & 19 and to pass an appropriate order for calculation of interest as applicable to MSME (Micro, Small & Medium Enterprises Act 2006).

For Petitioner : No appearance

For Respondents : Mr.M.S. Krishnan,
Senior Counsel
for Mr.N.V.N. Margandeyan [R1]

ORDER

O.P.No.248 of 2021 and O.P.No.19 of 2021 have been filed challenging the very same Arbitral Award.

2. The petitioner in OP.No.19 of 2021 is the first respondent in the arbitration and the petitioner in OP.No.248 of 2021 is the claimant in the arbitration.



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3. Even though, today the matter is listed under the caption 'for dismissal, there is no representation on the side of the petitioner in this petition. Even on the last two occasions i.e., on 10.08.2023 and 24.08.2023, there was no representation on behalf of the petitioner.

4. Learned senior counsel appearing for the first respondent herein and the petitioner in OP.No.19 of 2021 is present and he is ready to argue the matter.

5. This Original Petition is of the year 2021. Since there is no representation on behalf of the petitioner, it can now be inferred that the petitioner is not interested in prosecuting the matter further.

6. Accordingly, this Original Petition is dismissed for non-prosecution.

31.08.2023
(½)

Index: Yes/ No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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ABDUL QUDDHOSE, J.

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