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Arb.O.P. (Com.Div.) No.526 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.)No.526 of 2023

Sociedade de Fomento Industrial Pvt. Ltd.,
through its Authorised Signatory
Mr.Shankar Narayan,
having its registered address at
Villa Flores da Silva,
Erasmoo Carvalho Street, Margao,
Goa – 403 601.

.. Petitioner

Vs.

Emirates Trading Agency LLC,
a company incorporated under the laws of
the United Arab Emirates
having its registered / business address at
Ascon House, Salahuddin Road,
PO Box 5239 – Dubai, Deira UAE,
through its Trustee in Bankruptcy,
Mr.Redha Darwish Al Rahma,
having his address at JPA Auditing and Accounting,
Office No.1005, Opal Tower,
10th Floor, Business Bay, Burj Khalifa Boulevard,
Dubai, UAE.

.. Respondent

Prayer: Original Petition is filed under Sections 47 to 49 of the Arbitration and Conciliation Act, 1996, praying to declare the Final Award dated 02.09.2014 (Exhibit B hereto) is enforceable against the respondent and be deemed as a decree of this Court in terms of Chapter



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1, Part II of the Arbitration and Conciliation Act, 1996 and to grant costs of the present petition.

For Petitioner : Mr.U.Vijjay Metha
for M/s.V Legal Empire

For Respondent : No appearance

ORDER

This petition has been filed under Sections 47 to 49 of the Arbitration and Conciliation Act, 1996 to declare the Final Award dated 02.09.2014 (Exhibit B hereto) is enforceable against the respondent and be deemed as a decree of this Court in terms of Chapter 1, Part II of the Arbitration and Conciliation Act, 1996 and to grant costs of the present petition.

2.The petitioner herein had secured a favourable award from the International Chamber of Commerce, International Court of Arbitration in London, UK on 02.09.2014. The respondent herein which is now under liquidation and is represented by the Trustee had earlier filed an appeal before the Queen's Bench Division, Commercial Court, High Court, UK in Case No : 2014 FOLIO 1243 for a limited issue relating to jurisdiction.

3.The Queen's Bench Division, Commercial Court, High Court, UK



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dismissed the appeal by its judgment dated 20.05.2015. Copy of the judgment dated 20.05.2015 has been enclosed along with the typed set of papers in this petition with a neutral citation of the said order as Neutral Citation Number: 2015 EWHC 1452 (Comm).

4.The petitioner had also sought to enforce the award before the Dubai Commercial Court of First Instance, where the petitioner realised that the respondent (Award Debtor) was under liquidation and was represented by a Trustee and that there are several assets of the respondent (Award Debtor) in the form of shares in Indian Companies located in Chennai.

5.It is under these circumstances, the petitioner has approached this Court for recognizing the award dated 02.09.2014 passed by International Chamber of Commerce, International Court of Arbitration in London, UK.

6.Almost an identical issue against the respondent had also came up before this Court in the case filed by **Pueblo Holdings Limited Vs. Emirates Trading Agency LLC and Others**, the respondent herein.



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This Court by an order dated 02.11.2018 had concluded that the award was enforceable taking note of the decision of the Hon'ble Supreme Court in **Fuerst Day Lawson Ltd., Vs. Jindal Exports Ltd.**, (2001) 6 SCC 356. The Court recognized the award.

7.Since the notice on the respondent has been served on the trustee as the respondent is under liquidation, no serious objections are forthcoming either in the form of a counter or oral submissions by the respondent. The Court is inclined to allow this petition for enforcing the award against the respondent as a decree of this Court under Chapter 1, Part II of the Arbitration and Conciliation Act, 1996.

8.Accordingly, this Original Petition stands allowed. No costs.

20.12.2023

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

C.SARAVANAN, J.



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