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A.No.6184 of 2023

A.No.6184 of 2023
in
Arb.O.P.(Com.Div.)No.117 of 2021

C.SARAVANAN, J.

This application has been filed by the applicant (Award Debtor), who was suffered an adverse Award in the hands of the Grain and Feed Trade Association (GAFTA) dated 12.10.2018.

2. After the Award was passed, the respondent (Award Holder) had filed Arb.O.P.No.117 of 2021 under Sections 47 to 49 of the Arbitration and Conciliation Act, 1996 for enforcing/recognizing the Foreign Award passed by the Sole Arbitrator.

3. By an Order dated 20.10.2021, this Court had allowed Arb.O.P.No.117 of 2021 after recording that the applicant (Award Debtor) had not appeared before the Court despite service of notice on the applicant (Award Debtor).

4. This application has been now filed by the applicant (Award Debtor) to recall the Order dated 20.10.2021 stating that the notice was not served on the applicant (Award Debtor) and that notice was sent to the



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Branch Officer and was received by the person who was not at all authorized by the applicant (Award Debtor).

5. In the execution proceedings, which is subject matter of E.P(Filing).No.120185 of 2022, notice has been correctly sent to the Union Office. Hence, this application for recalling the order passed by this Court on 20.10.2021 has no merits as the notice was received by the applicant (Award Debtor) at its Branch Office in Tuticorin.

6. That apart, there is no dispute that the goods covered by sales invoice (sales contract) dated 07.02.2016 was dispatched by the respondent (Award Holder) to the applicant (Award Debtor) after the addendum was signed on 01.03.2017.

7. Considering the same, this application is liable to be dismissed and is accordingly dismissed.

30.11.2023

arb

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