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E.P.No.29 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

E.P.No.29 of 2022

and

A.Nos.1892 of 2022 and 342 of 2023

M/s.GMR Chennai Outer Ring Road Private Limited,
Represented by its Authorized Signatory
Karlalalem Sreenivasa Rao,
Having its Registered Office at
25/1, Skip House, Museum Road,
Bangalore - 560 025.

... Petitioner

Vs.

Government of India,
Represented by its Secretary,
Highways and Minor Ports Department,
Secretariat, Fort.St.George,
Chennai - 600 009.

... Respondent

Prayer: Execution Petition is filed under Order XXI Rules 46, 47 and 64 of the Code of Civil Procedure, 1908, praying to execute the Award dated 30.01.2020 to pass an Order of Attachment and Sale of the movable property more specifically the shares held by the Judgment Debtor in the corporations, which are morefully described in the Schedule to the petition hereto, in the possession of the person named in Paragraph 10 at the address therein stated, of which I declare that the said person is the sole and absolute owner.



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For Petitioner : Mr.Sathish Parasaran
Senior Counsel
for Mr.R.Parthasarathy

For Respondent : Dr.S.Suriya
Additional Government Pleader

ORDER

The petitioner/Decree Holder has filed an additional affidavit dated 30.01.2024 seeking to withdraw this execution petition filed to execute the Award dated 30.01.2020.

2. Paragraph 5, 6 and 7 of the affidavit filed by the petitioner/Decree Holder reads as under:-

"5. I state that while the present EP as well as the aforesaid SLPs were pending adjudication, the Petitioner and the officials of the Respondent met and discussed, pursuant to which the parties decided to amicably resolve the matter. In this regard, a Government Order bearing G.O.(Ms).No.166 dated 21.12.2023 was issued, recording sanction for amicable settlement of all the disputes between the parties by making a further payment of Rs.54.80 Crore, in addition to the amounts aforementioned, as full and final settlement of all issues and pending claims of the petitioner in respect of the subject Award.

6. I state that the petitioner has also received the said amount on 08.01.2024 pursuant to the aforesaid G.O., and on receipt of the aforesaid amount, the Petitioner had agreed to withdraw/terminate the present EP as all the claims made by the Petitioner in respect of the Award stands fully satisfied by the Respondent and the Petitioner would not have any claim with regard to or pertaining to the Award, and all liabilities arising



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outside the Award accruing as on date.

7. Therefore, it is humbly prayed that this Hon'ble Court may be pleased to take on record the present additional affidavit and permit the petitioner/Decree Holder to withdraw the captioned Execution Petition in E.P.No.29 of 2022."

3. The matter has gone up to the Hon'ble Supreme Court and pursuant to the direction of the Hon'ble Supreme Court, a sum of Rs.510,05,00,000/- was deposited to the credit of this execution petition which amount has also been subsequently withdrawn by the petitioner/Decree Holder.

4. The petitioner/Decree Holder now seeks permission of this Court to withdraw this execution petition in the light of the subsequent development and in the light of the G.O.Ms.No.166 dated 21.12.2023.

5. In view of the above, this Execution Petition is dismissed as withdrawn. Connected Applications are closed.

05.02.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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C.SARAVANAN, J.



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