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A.No.1226 of 2024

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in
Arb.O.P.(Com.Div.) DR.No.24821 of 2024

C.SARAVANAN, J.

This application has been filed for granting leave to the applicant to challenge the Award passed by the learned Arbitrator on 10.11.2023 in the name of the applicant Company viz., Mana and Kias Infrastructures Limited instead of M.P.Construction Co., who was the respondent before the Arbitral Tribunal.

2. The business of M.P.Construction Co., a Partnership Firm has been taken over by the applicant Company. To this effect, the learned counsel for the applicant has filed Memorandum of Articles of Association of the applicant Company.

3. Relevant clause from the Memorandum of Articles of Association reads as under:-

"And whereas parties hereto have by a unanimous resolution passed at their meeting held on October 28, 2023 express their desire of converting its existing firm pursuant to Part 1 and Chapter XXI of the Companies Act, 2013 into a Public Company and execute this Memorandum of Association (MOA) with the intention of continuing of carrying the said



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business of M/s M P CONSTRUCTION CO through the Company limited by shares and so that on registration all the property (movable or immovable), all the debtor(s) and creditor(s) including actionable claims(s), assets and liabilities vested to "MANA AND KIAS INFRASTRUCTURES LIMITED" on the date of registration shall not affecting its right and liabilities in respect of the debts or obligation(s) incurred or any contract entered into by the said Company before registration."

4. In view of the above, this Application is allowed by permitting the applicant to file the Original Petition in the name of the applicant Company instead of M.P.Construction Co., the Partnership Firm.

5. Registry is directed to number the Original Petition if papers are otherwise in order and list it for hearing on 26.03.2024.

05.03.2024

arb

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