



WEB COPY



O.S.A(CAD)No.90 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

O.S.A(CAD)No.90 of 2022

and

C.M.P.Nos.10550 & 16853 of 2023

in

O.S.A(CAD)No.90 of 2022

M/s.Gimpex Pvt. Ltd.,
Rep. by its Director
Mr.Binod Choudhury
No.282, Linghi Chetty Street
Chennai-600 001.

... Appellant

Vs.

M/s.Aanchal Cement Ltd.,
(Formerly known as M/s.Kalika Cement Ltd.,)
Rep. by its Managing Director
Mr.Manoj Goel
No.23-A, N.S.Road, Suit-5,
7th Floor, Kolkata - 700 001.

.. Respondent

Original Side Appeal filed under Section 13(1) of Commercial Courts
Act, 2015 read with Order XXXVI Rule 1 of the Original Side Rules,

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praying to modify the arbitration award dated 03.02.2020 insofar as it disallows the period of the interest on the amount awarded under Issue Nos.4 and 8 of the Arbitration Award and modify the Judgment and Decree dated 25.11.2021 passed in O.P.No.216 of 2021 insofar as the same upheld the Arbitral Award negating the interest concerned.

For Appellant : Ms.Anbarasi Rajendran
M/s.AAV Partners (Law Firm)
For Respondent : Mr.Adithya Reddy

J U D G M E N T

[Judgment of the Court was made by M.SUNDAR, J.,]

When the matter was taken up, Ms.Anbarasi Rajendran, learned counsel of M/s.AAV Partners (Law Firm) on behalf of appellant made endorsements in the case file seeking permission to withdraw the captioned 'Original Side Appeal' {hereinafter 'OSA' for the sake of brevity} and captioned two 'Civil Miscellaneous Petitions' {hereinafter 'CMPs' for the sake of brevity} thereat. Learned counsel made a request that this withdrawal may not be treated as any concession qua O.S.A(CAD)No.44 of 2022 where the petitioner is a respondent. Request acceded to.



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WEB COPY 2. Scanned reproduction of endorsements made by learned counsel for appellant are as follows:

Endorsement in O.S.A(CAD)No.90 of 2022:

21/8/24
Appeal maybe
permitted to be
with drawn
Doubt
Learned for
Appellant
21/8/24

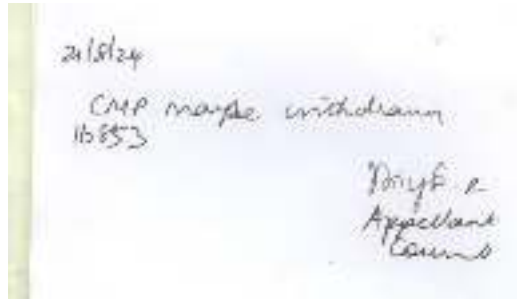
Endorsement in C.M.P.No.10550 of 2023:

21/8/24
CMP 10550 maybe
with drawn
Doubt
21/8/24

Endorsement in C.M.P.No.16853 of 2023:



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3. Captioned OSA and captioned two CMPs are disposed of as withdrawn / closed albeit preserving all rights and contentions of appellant / petitioner to canvass all contentions including contentions raised in captioned OSA and captioned CMPs as respondent in O.S.A.No.44 of 2022 and CMP thereat.

4. Captioned OSA and captioned CMPs disposed of as withdrawn / closed albeit with preservation of rights in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.)

(K.G.T.,J.)

21.08.2024

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

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To

The Sub-Assistant Registrar
Original Side
High Court, Madras.

M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

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