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Civil Suit (Comm.Div.) No. 276 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.04.2024

CORAM

THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

Civil Suit (Com.Div.) No. 276 of 2023

OPG Power Generation Private Limited
Represented by its Authorised Signatory
Mr.P.Venkat Subramanian
Asst.General Manager
OPG Nagar, Periyaobulpuram Road,
Gummidipoondi, Tiruvallur District – 601 201. .. Plaintiff

Vs.

United India Insurance Co., Ltd.,
Divisional Office,
1st Floor, Chander Plaza 48,
Arcot Road, Saligramam,
Chennai – 600 093. .. Defendant

Prayer:-

Civil Suit has been filed under Order IV, Rule 1 of the O.S. Rules, read with Order VII Rule I of the Code of Civil Procedure read with Sections 2(1)(c)(xx) of Commercial Court Act, 2015, prays to pass a judgment and decree in favour of the plaintiff against the defendant :



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a) For payment of amount of Rs.9,78,57,498/- (Rupees Nine Crores Seventy Eight Lakhs Fifty Seven Thousand Four Hundred and Ninety Eight Only) towards loss of profit incurred by the plaintiff with *pendente lite* and future interest ;

(b) For payment of amount of Rs.2,94,77,870/- (Rupees Two Crores Ninety Four Lakhs Seventy Seven Thousand Eight Hundred and Seventy Only) towards the expenses incurred by the plaintiff in repair and restoration of the Boiler in Unit – I of the plant with *pendente lite* and future interest ;

(c) For cost of this suit.

For Plaintiff : Mr.Taran Kumar

For Defendant : Ms.Keerthikiran Murali

J U D G M E N T

In view of the order passed today (10.04.2024) in A.Nos.1793 and 1794 of 2024 in C.S.(Comm.Div.) No.276 of 2023 seeking to reject the plaint and to dismiss the suit, the present suit in C.S.(Comm.Div.) No.276



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of 2023 shall stand dismissed. However, since the dispute involved in the suit is a continuing cause of action, the plaintiff is at liberty to file fresh suit, after complying with the mandatory provisions of Section 12-A(1) of the Commercial Courts Act, 2015. There shall be no order as to costs.

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ms
Index : Yes/No
Speaking / Non-speaking



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P.VELMURUGAN, J.

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