



A.No.3524 of 2024

A. No.3524 of 2024
in O.P.No.443 of 2020

WEB CO **K.KUMARESH BABU, J.**

The present application had been made seeking payment out by refund of the pre-deposited amount of Rs.1,80,91,326/- (Rupees One Crore Eighty Lakhs Ninety One Thousand Three Hundred and Twenty Six only) made in O.P.No.443 of 2020 in the name of the petitioner.

2. Heard, Mr.S.Gopinathan, learned counsel for the applicant and Mr.Abishek Jenasenar, learned counsel for the respondents

3. The O.P. had been filed challenging the Award, dated 23.10.2019 passed by the first respondent. According to the learned counsel appearing for the applicant, originally the said O.P. was dismissed by this Court by an order dated 10.12.2020. He had also submitted that a sum of Rs.1,80,91,326/- (Rupees One Crore Eighty Lakhs Ninety One Thousand Three Hundred and Twenty Six only) representing the 75% of the Award amount had been deposited as a pre-condition for filing the O.P. Being aggrieved against the order of dismissal, an appeal in O.S.A.No.101 of 2021 was preferred by the applicant. The Hon'ble Division Bench of this Court by an order, dated 15.03.2024 had set aside the order of the learned

<https://www.mhc.tn.gov.in/judis>

Single Judge and allowed the appeal holding that this Court does not have



A.No.3524 of 2021

territorial jurisdiction to decide the Arbitration Petition. It was also further brought to the notice of this Court that pursuant to the said order, the learned counsel appearing on behalf of the applicant has sought for a direction of the refund of the deposited amount representing the 75% of the Award amount.

4. Recording his request and also the statement made by the learned counsel appearing on behalf of the second respondent that he has no serious objection for refund of the amount, the Hon'ble Division Bench of this Court had granted liberty to take out necessary application for withdrawal of the amount deposited. A further direction had also been given that when such an application is made, the said amount shall be refunded. Pursuant to the said direction, he would submit that he had also filed a Memo seeking a Fund Certificate to prove that the amount is deposited with the Registry of this Court and a Certificate dated 02.05.2021, the Registry head also issued a Certificate to that effect. Hence, he would seek refund of the said amount deposited by the applicant.

5. Mr. Abishek Jenasenan, learned counsel appearing on behalf of the second respondent would reiterate his stand before the Hon'ble



A.No.3524 of 2024

Division Bench and would submit that he has no serious objection for the grant of refund of the amount.

6. In such circumstances, having been satisfied with the averments made in the affidavit and also the direction issued by the Division Bench of this Court in O.S.A.No.101 of 2020, dated 15.03.2024, I find no impediment in ordering this petition as prayed for.

7. In fine, the payment out for refund of the pre-deposited amount of Rs.1,80,91,326/- (Rupees One Crore Eighty Lakhs Ninety One Thousand Three Hundred and Twenty Six only) made in O.P.443 of 2020 to the petitioner and the above application is ordered as prayed for. However there shall be no order as to costs.

08.08.2024

gba



WEB COPY



A.No.3524 of 2024

K.KUMARESH BABU, J.

gba

A. No.3524 of 2024
in O.P.No.443 of 2020



WEB COPY



A.No.3524 of 2024

08.08.2024