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Arb.O.P.(Com.Div.)No.181 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2024

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

Arb.O.P.(Com.Div.)No.181 of 2024

and

A.No.2457 of 2024

Bharat Heavy Electricals Limited,
Represented by its Senior Deputy General and Authorized
Signatory, Mr.Yogendra Kumar Jawarkar, Manager,
Electronics Division, PB No.2606, Mysore Road,
Bangalore 560026.

... Petitioners

Vs.

G.K.Roofings India Private Limited,
Regd Office No.3-A, 45th Street,
Nanganallur, Chennai 600 061.

... Respondent

Arbitration Original Petition filed under Section 34(2)(a)(iv), (2A) of the Arbitration and Conciliation Act, 1996 to set aside the Arbitral Award dated 30.01.2023 in MSEFC/CR/66/2021 passed by the Micro and Small Enterprises Facilitation Council at Regional Joint Director of Industries and Commerce, Guindy, Chennai 600 032 in its entirety and to direct the respondent to pay the costs.



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For Petitioner : Mr.V.V.Sivakumar

For Respondent : Mr.N.Nikhilesh,
for M/s.A.S.Kailasam Associates

ORDER

This petition has been filed to set aside the Arbitral Award passed by the learned Arbitrator dated 30.01.2023.

2. The learned counsel for the Petitioner has submitted that the dispute between the parties has been amicably settled and he had also filed a Memo of Withdrawal with regard to the same. Hence, he seeks leave of this Court to withdraw this petition.

3. Mr.N.Nikhilesh, learned counsel has entered appearance on behalf of the respondent and confirmed the above submissions made by the petitioner.

4. Further, the learned counsel for the petitioner prays for refund of full Court fee, in view of Section 89(2) of CPC and Section 69A of the



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Tamil Nadu Court fee and Suit Valuation Act, 1955 and in view of decision of the Honourable Supreme Court reported in **2021 SCC Online SC 109** (*The High Court of Judicature at Madras Vs. M.C.Subramaniam and others*).

5. In the light of the above said decision of the Honourable Supreme Court and Section 89(2) of CPC and Section 69A of the Tamil Nadu Court Fee and Suit Valuation Act, 1955, the petitioner is entitled to refund of full Court fee.

6. Accordingly, recording the submissions of the learned counsel for the petitioner and the Memo of Withdrawal filed by the petitioner, this Arbitration Original Petition is dismissed as withdrawn. Consequently, the connected application is also closed.

7. The Registry is directed to refund the full Court fee subject to all procedural formalities in this regard being complied with, by way of a



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negotiable instrument in favour of the learned counsel for the Petitioner,
within a period of four weeks from the date of receipt of a copy of this order.

30.04.2024

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation: Yes / No

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KRISHNAN RAMASAMY.J.,
nsa

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