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OSA(CAD) No.160 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2025

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

O.S.A.(CAD) No.160 of 2024

Ind Bharat Power Gencom Ltd.,
rep. by its Managing Director,
Having its registered office at
No.20 Chamiers Road, Nandanam,
Chennai-600 035.

.. Appellant

Vs

1.Trimex Industries Pvt. Ltd.,
rep. by its Vice President – Legal, S.Sudhakaram,
Trimex Towers, No.1, Subbaraya Avenue,
C P Ramasamy Road, Alwarpet,
Chennai – 600 018.

2.Tamilnadu Generation and Distribution Corporation Ltd.
(TANGEDCO)

144, Anna Salai, Chennai-600 002.

rep. by its Chairman & Managing Director.

.. Respondents

Prayer : Appeal under Section 13 of the Commercial Courts Act read with
Clause 15 of the Letters Patent to set aside the portion of the order dated
29.4.2024 made in Application No.2557 of 2023 in C.S.No.302 of 2017



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insofar as the closing of application and allow the said application as prayed for.

For Appellant : Mr.S.R.Raghunathan
for M/s.R.Moneshaa

For Respondents : Mr.P.Gowthaman
for M/s.Revathi Manivannan
for respondent No.1

: No appearance
for respondent No.2

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

This appeal impugns an order dated 29.4.2024, by which appellant's application in A.No.2557 of 2023 was closed.

2. Shri Raghunathan submitted that there is no discussion at all regarding the application in the impugned order, but it simply states application closed as a consequence of plaintiff withdrawing the suit.

3. Shri Raghunathan submitted that appellant's application was to direct the Registrar General to endorse and handover the Fixed Deposit



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Receipt dated 17.11.2022 drawn on Tamil Nadu Power Finance and Infrastructure Development Corporation Limited, Anna Salai, Nandanam, Chennai, for a sum of Rs.22,59,48,460/- together with accrued amount lying to the credit of the suit in C.S.No.302 of 2017 in favour of applicant.

4. During the pendency of the suit that first respondent had filed against appellant, pursuant to the application that first respondent had filed to direct second respondent/TANGEDCO to deposit the amount payable to appellant, TANGEDCO had deposited a sum of Rs.16,66,10,008/- with the Registry on 11.7.2017.

5. Mr.Gowthaman appears on behalf of first respondent. Second respondent, which is only a formal party, is not present. Both counsels appearing for appellant and first respondent state that second respondent has been discharged of its liabilities upon the deposit of the amount as noted above.

6. Counsel for first respondent states he has no objection if the relief



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sought by appellant in A.No.2557 of 2023 is granted.

7. Appeal is, accordingly, allowed. The Registry to endorse the Fixed Deposit Receipt in favour of appellant and handover the same to appellant. No deductions shall be made. There shall be no order as to costs.

(K.R.SHRIRAM, C.J.)

(SENTHILKUMAR RAMAMOORTHY,J.)

02.01.2025

Index : Yes/No
NC : Yes/No
sasi

To

The Chairman & Managing Director,
Tamilnadu Generation and Distribution Corporation Ltd. (TANGEDCO)
144, Anna Salai, Chennai-600 002.



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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY,J.

(sasi)

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