

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE SIXTH DAY OF AUGUST

TWO THOUSAND AND TWENTY FIVE

:PRESENT:**THE HONOURABLE JUSTICE MOUSHUMI BHATTACHARYA**

AND

THE HONOURABLE SRI JUSTICE GADI PRAVEEN KUMAR**IA No. 1 OF 2025****IN****CMA NO: 518 OF 2023****Between:**

M/S Tecnimont India Pvt. Ltd, a Company registered under the companies Act, 1956 Having its registered office at Tecnimont House, Chincholi Bunder 504, Link Road, Malad (West), Mumbai, Maharashtra, India-400064, Rep. by its Authorised Signatory Mr. Brijesh Shah

...Petitioner/Applicant/Original Respondent
(Respondent in CMA 518 OF 2023
on the file of High Court)

AND

Nagarjuna Fertilizers and Chemicals Ltd. (NFCL) A company registered under the Companies Act, 1956, Having its registered office at D.No.8-2-2448, Nagarjuna Hills, Punjagutta, Hyderabad, Telangana -500082

...Respondent/Respondent/Original Petitioner
(Respondents in-do-)

Petition under Section 151 of C.P.C praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct transfer of Rs.62,93,424/- (Rupees Sixty-Two Lakhs Ninety-Three Thousand Four Hundred Twenty-Four only) along with any accrued interest deposited by the Respondent/Appellant with the Commercial Court, Hyderabad, from the Commercial Court, Hyderabad to the credit of this Court and permit the Petitioner/Respondent herein to withdraw the same, pending

disposal of CMA No. 518 of 2023, preferred to the High Court against the order dated 02.08.2022 passed by the Judge, Principal Special Court in the cadre of District Judge, for Trial and Disposal of Commercial Disputes at Hyderabad in COP No.14 of 2018.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Sunil B.Ganu, Senior Counsel rep. for SRI JAI KISHAN SOLANKI Advocate for the Petitioner in CMA and Respondent in IA No.1 of 2025 and of Sri D.Pavan Kumar Advocate rep. for SRI PREETHAM KUNAPA REDDY Advocate for the Respondent in CMA and petitioner in IA No.1 of 2025, the Court made the following

ORDER

After hearing learned Senior counsel appearing for the appellant/Award-debtor and learned counsel appearing for the respondent/Award-holder, the only issue which is required to be decided is whether the respondent can ask for withdrawal of the amount deposited by the Award-debtor i.e., Rs.62,93,424/- in the present appeal or seek withdrawal of the said amount from the Trial court.

We are informed that the respondent had filed an application on 05.10.2018 during pendency of C.O.P. No.14 of 2018 (Section 34 application filed by the Award- debtor/appellant). However, the respondent is presently facing difficulty in pursuing this application for withdrawal of the said amount.

We are informed that there is no stay of the Award as on date since the appellant could not deposit the amount directed by the Court i.e., Rs.1.83 crores. The appellant could only deposit an amount of Rs.62,93,424/- in nominal satisfaction of the order. The appellant's petition for setting aside of the Award was dismissed by the impugned order dated 02.08.2022.

We accordingly grant liberty to the respondent to file an appropriate application for withdrawal of the amount deposited by the appellant i.e., Rs.62,93,424/- in the learned Commercial Court. The Commercial Court is directed to consider this application and dispose it of within two weeks from the date of filing of the application. The respondent/Award-holder shall also be at liberty for withdrawal of the amount of Rs. 62,93,424/- along with accrued interest.

Since we are informed that the Presiding Officer is not present, the in-charge Court is directed to dispose of the application on the same terms as stated above.

I.A. No.1 of 2025 is accordingly allowed and disposed of.

**SD/-MOHD. ISMAIL
ASSISTANT REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To,

1. The Judge, Principal Special Court in the cadre of District Judge, for Trial and Disposal of Commercial Disputes at Hyderabad
2. Nagarjuna Fertilizers and Chemicals Ltd. (NFCL) A company registered under the Companies Act, 1956, Having its registered office at D.No.8-2-2448, Nagarjuna Hills, Punjagutta, Hyderabad, Telangana -500082
3. Mr. Brijesh Shah, Authorised Signatory M/S Tecnimont India Pvt. Ltd, a Company registered under the companies Act, 1956 Having its registered office at Tecnimont House, Chincholi Bunder 504, Link Road, Malad (West), Mumbai, Maharashtra, India-400064. (2 & 3 By RPAD)
4. One CC to SRI JAI KISHAN SOLANKI Advocate [OPUC]
5. One CC to SRI PREETHAM KUNAPA REDDY Advocate [OPUC]
6. Two spare copies

Note: In the order dated 06.08.2025 in the first para at page No.2 the following lines is inserted "The respondent/Award-holder shall also be at liberty for withdrawal of the amount of Rs. 62,93,424/- along with accrued interest." As per court order dated 12.08.2025 made in CMA. No. 518 of 2023.

Substitute this amended order in place of previous order which was already dispatched on 11.08.2025

SD/N.CHANDRA SHEKAR RAO
DEPUTY REGISTRAR

HIGH COURT

**MB,J
&
GPK,J**

**DATED:06/08/2025
12.08.2025**



AMENDED ORDER

**IA No.1 of 2025
In
CMA.No.518 of 2023**

DIRECTION