

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE M.S.RAMACHANDRA RAO
AND
THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 19128 OF 2021

Between:

Sudhakar Hanumantha Morusupally, S/o Sri. Morusupally Hanumantha Rao, Aged about 55 years, Occ. Business, R/o Flat No.501, 5th Floor, Srivani Apartments, Champapet, Hyderabad.

...PETITIONER

AND

1. Union of India, Represented by its Principal Secretary, Ministry of Finance, New Delhi,
2. Reserve Bank of India, Represented by its Principal Secretary, New Delhi,
3. Fullerton India Home Finance Company Ltd., Registered Office at, Megh Towers, 3rd Floor, Old No.37, New No 165, Poona Mallee High Road, Maduravoyal, Chennai, Tamil Nadu 600095.

And also at:

Corporate Office at, Supreme IT Park, 5th Floor, B-Wing, Behind Lake Castle, Hiranandani Gardens, Powai, Mumbai-400 076

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly a writ in the nature of mandamus, declaring the action of the Respondent Bank No.3 herein obtaining Ex parte Arbitral Award dated 07.06.2021 vide Arbitration No. STM/FIHFC/ARB/L-11/437 by sending all Notices to old address i.e., Plot No.300, S.S.Puram Road No.5, Vanasthalipuram, Hayathnagar, Hyderabad-500070, Hyderabad by playing fraud as illegal, arbitrary and contrary to Article 300-A of Constitution of India.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in pursuance of Arbitral Award dated 07/06/2021 vide Arbitration No. STM/FIHFC/ARB/L-11/437 passed by the Sole Arbitrator, pending disposal of the above writ petition.

Counsel for the Petitioner: M/S. K JAYASHREE

Counsel for the Respondent No. 1: SRI. N. RAJESHWAR RAO, ASST. SOLICITOR GENERAL

Counsel for the Respondent Nos. 2 & 3:

The Court made the following:

THE HONOURABLE
THE ACTING CHIEF JUSTICE M.S. RAMACHANDRA RAO
AND
THE HONOURABLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No.19128 of 2021

ORDER: *For the Hon'ble Acting Chief Justice M.S. Ramachandra Rao*

The counsel for petitioner(s) seeks to withdraw the Writ Petition with liberty to challenge the impugned arbitral award by filing an application under Section 34 of the Arbitration and Conciliation Act, 1996 in the appropriate Forum.

2. Granting liberty as sought, the Writ Petition is dismissed as withdrawn. No order as to costs.
3. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

SD/- I.NAGALAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to M/s. K. Jayashree, Advocate [OPUC]
2. One CC to Sri. N. Rajeshwar Rao, Asst. Solicitor General. [OPUC]
3. Two CD Copies.
4. One Spare Copy

PM

ddn

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HIGH COURT

DATED:31/08/2021

ORDER

WP.No.19128 of 2021



Dismissing the WP
As withdrawn
Without costs.

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15/9/21
ATK