

In the High Court of Judicature at Madras

Dated : 11.12.2015

Coram :

The Hon'ble Mr.Sanjay Kishan Kaul, Chief Justice

O.P.No.794 of 2015

M/s.Bongfiglioli Transmissions Pvt. Ltd.,
rep. by its Chief Financial Officer G.A.Balaji,
AC7-AC11, SIDCO Industrial Estate,
Thirumudivakkam,
Chennai-600 044.

.. Petitioner

-VS-

M/s.Auro Mira Bio Energy Madurai Ltd.,
rep. by its authorized signatory,
'Woodhead Centre", 3rd Floor,
No.23, Siva Ganga Road,
Nungambakkam,
Chennai-600 034.

.. Respondent

Petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, to appoint any competent person as the sole arbitrator to resolve the dispute between the petitioner and the respondent as per Article 2.2.1 of Power Purchase Agreement dated 29.07.2011.

For Petitioner : Mr.Hari Radhakrishnan

For Respondent : No Appearance

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ORDER

The learned counsel for the petitioner states that the respondent Company has gone into liquidation and he has received the intimation from the Official Liquidator to the effect that either leave should be sought from the Company Court to prosecute the claim in the arbitration or the petitioner may join as creditor in those proceedings.

2. The learned counsel for the petitioner states that the petitioner will exercise one of the two options of the proceedings in accordance with law.

3. The present petition is thus disposed of with liberty to the petitioner to file a fresh petition, in case the petitioner choose to exercise the option to approach the Company Court and obtain orders for arbitration of disputes. No costs.

(S.K.K., CJ.)
11.12.2015

Index : Yes/No
Internet : Yes/No
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The Hon'ble Chief Justice

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