

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.03.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice M.M.SUNDRESH

W.P.Nos.37355 to 37357 of 2015

Delphi TVS Diesel Systems Limited
represented by M.N.Subramanian
registered office at No.6, Patullos Road,
Chennai- 600 002. ... Petitioner in W.P.No.37355 of 2015

Indian Japan Lighting Private Limited
represented by P.S.Ravishankar, Company Secretary,
registered Office at No.82, Aalim Centre,
R.K.Salai, Mylapore,
Chennai 600 004. ... Petitioner in W.P.No.37356 of 2015

Lucas TVS Ltd.,
represented by K.Ramaswamy
General Manager - Finance and Secretary,
registered Office at No.11 and 13, Patullos Road,
Chennai 600 002. ... Petitioner in W.P.No.37357 of 2015

Versus

1.Union of India
represented by its Secretary
Ministry of Law and Justice
4th Floor, A-Wing, Shastri Bhawan,
New Delhi 110001.

2.Arkay Energy (Rameswaram) Ltd.,
represented by its Managing Director
New No.29 (Old No.129), Chamiers Road,
Chennai 600 035.

3.Hon'ble Thiru Justice T.Somasundaram (Retd.)
New No.1 (Old No.1686)
15th Street, H Block,
Anna Nagar, Chennai 40.

4.Hon'ble Thiru Justice S.Mohan (Retd)
Former Judge of Supreme Court,
No.41, Venkatakrishna Iyer Road,
Raja Annamalaipuram, Chennai 600 028.

5.Justice K.Govindarajan (Retd)
No.5, Justice Ramanujam Road,
Malavia Avenue,
Chennai 600 041.

... Respondents in all Writ Petitions

Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Declaration, declaring that Section 29-A of the Arbitration and Conciliation Act, 1996 as amended by the Arbitration and Conciliation Ordinance dated 23.10.2015 is null and void, ultra vires and contrary to Articles 14 and 21 of the Constitution of India.

For Petitioner ::: Mr.Anirudh Krishnan

For Respondents ::: Mr.G.Rajagopalan
Additional Solicitor General
assisted by Mr.Su.Srinivasan
Assistant Solicitor General for R.1
Mr.AL.Gandhimathi for R.2

O R D E R

(The Order of the Court was made by The Hon'ble
The Chief Justice)

In view of the Ordinance being superseded by the Amendment Act which has now come into force and has taken care of the grievance of the petitioner, the challenge does not survive. We are not commenting on the validity and illegality of any of the provisions of the Amendment Act at this stage and if any grievance so arises in the given facts of the case, petitioner can approach the court when the occasion so arises.

2. The aforesaid will not preclude the desirability of the Central Government looking into the issue of the perceived ideal time period for Section 29-A, keeping in mind the international practice and the average time period which has taken to conclude those proceedings.

3. Thus, we close these writ petitions.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

The Secretary, Union of India,
Ministry of Law and Justice
4th Floor, A-Wing, Shastri Bhawan,
New Delhi 110 001.

1 cc to M/s. A.L. Gandhimathi, Advocate, Sr. 19058
1 cc to M/s.Su.Srinivasan, Advocate, Sr. 18800

W.P.Nos.37355 to 37357 of 2015

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