

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.11.2016

Coram

The Honourable **Mr.Justice RAJIV SHAKDHER**

Original Petition Nos.840 to 842 of 2016

Lucas TVS Ltd.,
represented by K.Ramaswamy
General Manager - Finance & Company Secretary
No.11 & 13, Patullos Road,
Chennai - 600 002.

.. Petitioner in O.P.No.840 of 2016

Delphi TVS Diesel Systems Limited
represented by MN Subramanian
No.6, Patullos Road,
Chennai - 600 002.

.. Petitioner in O.P.No.841 of 2016

Indian Japan Lightings Pvt. Ltd.,
represented by PS Ravishankar
Company Secretary
No.82, Aalim Centre, RK Salai,
Mylapore, Chennai - 600 004.

.. Petitioner in O.P.No.842 of 2016

Vs.

1. Arkay Energy (Rameswarm) Ltd.
rep. by its Managing Director
New No.20 (Old No.129) Chamiers Road,
Chennai - 600 035.
2. Hon'ble Thiru Justice T.Somasundaram (Retd.)
New No.1 (Old No.1686) 15th Street,
H Block, Anna Nagar, Chennai - 40

3. Hon'ble Thiru Justice S.Mohan (Retd)
No.41, VenkatrishnaIyer Road,
Raja Annamalaipuram, Chennai - 600 028.
4. Justice K.Govindarajan (Retd)
No.5, Justice Ramanujam Road,
Malaviya Avenue, Chennai - 600 041.

(Respondents 2 to 4 are given up)

.. Respondents in the above O.P.s

PETITIONs filed under Section 34 of the Arbitration and Conciliation Act, 1996 to set aside the award dated 30.04.2016 passed in Arb.Case Nos.6 of 2010, 2 of 2010 and 3 of 2010 respectively and consequently allow the claims as prayed for in the claim petitions and for costs.

For Petitioners in the above OPs: Mr.Anirudh Krishnan

For Respondent in the above OPs: Mr.AR.L.Sundaresan, S.C.

COMMON ORDER

1. These are separate Original Petitions. The petitioner in each petition is a different entity.

1.1. In O.P.No.840 of 2016, the petitioner is Lucas TVS Ltd. In O.P.No.841 of 2016, the petitioner is Delphi TVS Diesel Systems

Limited. In O.P.No.842 of 2016, the petitioner is Indian Japan Lightings Pvt. Ltd.

1.3. In so far as the respondent is concerned, it is the same entity, i.e., Arkay Energy (Rameswarm) Ltd.

2. Mr.Anirudh Krishnan, learned counsel along with Ms.Goda Raghvan represent the petitioners in the captioned petitions. Mr.AR.L.Sundaresan, learned Senior Counsel, along with Mr.Seshadri, represent the respondent in the captioned petitions.

3. Counsel for the parties inform me that a Memorandum of Understanding dated 26.10.2016 (MOU) and an addendum dated 24.11.2016 to the said MOU has been executed between the aforementioned entities, whereby, disputes, which are subject matter of the captioned petitions, stand settled. Counsel for the parties submit that the captioned petitions be disposed of in terms of the MOU and the addendum.

5. I have perused the terms of MOU and the addendum, the same are lawful. Therefore, as prayed for, the captioned petitions are

disposed of in terms of the compromise arrived at between the parties, as provided in the MOU and the addendum. The parties undertake to abide by the terms of the compromise.

5.1. The Registry is, accordingly, directed to release the bank guarantees, which are referred to in clause 2.3 of the MOU, within a period of three (3) days from the date of receipt of a copy of this order.

5.2. Consequently, there will be no order as to costs.

25.11.2016

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RAJIV SHAKDHER,J.

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<http://www.judis.nic.in>