

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**CHAMBER SUMMONS (L) NO.154 OF 2017
IN
COMMERCIAL ARBITRATION PETITION (L) NO.223 OF 2017**

Generation Eolica India Private Ltd. ... Applicant
Versus
Wind World (India) Limited And
Wind World (India) Infrastructure
Pvt. Ltd. ... Respondents

**WITH
CHAMBER SUMMONS (L) NO.155 OF 2017
IN
COMMERCIAL ARBITRATION PETITION (L) NO.222 OF 2017**

En Wind Power Private Limited ... Applicant
Versus
Wind World (India) Limited And
Wind World (India) Infrastructure
Pvt. Ltd. ... Respondents

**WITH
CHAMBER SUMMONS (L) NO.156 OF 2017
IN
COMMERCIAL ARBITRATION PETITION (L) NO.221 OF 2017**

En Renewable Energy Pvt Ltd. ... Applicant
Versus
Wind World (India) Limited And
Wind World (India) Infrastructure
Pvt. Ltd. ... Respondents

**ALONGWITH
NOTICE OF MOTION (L) NO.230 OF 2017
IN
COMMERCIAL SUIT NO.307 OF 2017**

Generation Eolica India Pvt. Ltd. ... Petitioner
Versus
Wind World (India) Ltd. ... Respondent

WITH
NOTICE OF MOTION (L) NO.232 OF 2017
IN
COMMERCIAL SUIT NO.308 OF 2017

Wind World (India) Ltd. And Another ... Applicants
Versus
En Wind Power Private Limited And Others ... Respondents

WITH
NOTICE OF MOTION (L) NO.233 OF 2017
IN
COMMERCIAL SUIT NO.241 OF 2017

Wind World (India) Ltd. And Another ... Applicants
Versus
En Renewable Energy Pvt Ltd And Others ... Respondents

WITH
NOTICE OF MOTION (L) NO.257 OF 2017
IN
COMMERCIAL SUIT (L) NO.241 OF 2017

Wind World (India) Ltd. And Another ... Applicants
Versus
En Renewable Energy Pvt. Ltd. And Others ... Respondents

WITH
NOTICE OF MOTION (L) NO.258 OF 2017
IN
COMMERCIAL SUIT NO.238 OF 2017

Wind World (India) Ltd. And Another ... Applicants
Versus
Generation Eolica India Pvt. Ltd.
And Others ... Respondents

WITH
NOTICE OF MOTION (L) NO.259 OF 2017
IN
COMMERCIAL SUIT NO.239 OF 2017

Wind World (India) Ltd. And Another ... Applicants
Versus
En Wind Power Private Limited And Others ... Respondents

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Mr. Dinyar Madon, Senior Advocate a/w Mr. Yashesh Kamdar, Mr. Akhil Tiwari, Mr. Vivek Dwivedi and Ms. Olga Lume-Pereira i/b M/s Manilal Kher Ambalal & Co. for the Plaintiffs in Commercial Suit (L) No.241 of 2017, Commercial Suit No.307 of 2017, and Commercial Suit No.308 of 2017 and for the Respondents in Commercial Arbitration Petition (L) Nos.221 of 2017, 222 of 2017 and 223 of 2017.

Mr. Gaurav Joshi, Senior Advocate a/w Mr. Piyush Raheja, Mr. Clarence Anthony, Mr. Pallav Shukla, Mr. Siddharth Ranade and Ms. Lizum Wangdi i/b M/s Trilegal for Defendant No.1 in Commercial Suit No.307 of 2017, Commercial Suit No.308 of 2017, Commercial Arbitration Petition (L) No.241 of 2017 and Commercial Suit (L) No.238 of 2017 and for Petitioner in Commercial Arbitration Petition (L) No.221 of 2017, Commercial Arbitration Petition (L) No.222 of 2017 and Commercial Arbitration Petition (L) NO.223 of 2017 and for the Applicant in Chamber Summons (L) Nos.154 of 2017, 155 of 2017 and 156 of 2017.

Mr. Rahul Narichania, Senior Advocate a/w Mr. Clarence Anthony, Mr. Pallav Shukla, Mr. Siddharth Ranade and Ms. Lizum Wangdi i/b M/s Trilegal for Defendant No.3 in Commercial Suit No.307 of 2017, Commercial Suit No.308 of 2017, Commercial Suit (L) No.241 of 2017 and Commercial Suit (L) No.238 of 2017.

Mr. Zal Andhyarujina a/w Mr. Nitesh Jain and Mr. Aditya Malhotra i/b M/s Shardul Amarchand Mangaldas & Co., for Defendant No.4 in Commercial Suit No.307 of 2017, Commercial Suit No.308 of 2017, Commercial Suit (L) No.241 of 2017 and for the Applicant in Chamber Summons (L) Nos..132 of 2017, 133 of 2017 and 134 of 2017.

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CORAM : S.C.GUPTE, J.

DATE : 19 JULY 2017

P.C. :

. These three Chambers Summonses are moved in three commercial arbitration petitions, all under Section 9 of the Arbitration and Conciliation Act 1996. The Chamber Summonses seek amendments of the arbitration petitions in terms of the schedules annexed to the affidavits in support of the Chamber Summonses. The amendments relate to impleadment of Respondent No.2 as a party respondent to the arbitration petitions. The dispute between the parties, which is the subject matter of the present arbitration petitions, concerns the management of a turn-key project for generation of electricity by wind turbines. The proposed Respondent No.2 owns the sub-station from which alone evacuation of electricity produced in the project is possible. In the premises, these Chamber Summonses are moved for impleadment of Respondent No.2. There is no reply to the Chamber Summonses. Learned Counsel for the original Respondent submits that since his objections are merely on the basis of legal submissions, he does not propose to file any reply to the Chamber Summonses.

2 These legal submissions are, firstly, that this Court has no jurisdiction to hear these arbitration petitions under Section 9 of the Arbitration and Conciliation Act, 1996. That is a matter, which this Court will decide when the commercial arbitration petitions are heard. The second legal objection is that there is no privity of contract as between the proposed Respondent No.2 and the Petitioners and that at any rate no relief is possible against the proposed Respondent No.2 in the arbitration petitions. Even this matter may conveniently be determined at the hearing of the arbitration petitions. The Chamber Summonses seek to bring in an amendment which anyway concerns the real issue in controversy between

the parties, and accordingly, deserve to be allowed.

3 Accordingly, the Chamber Summonses are allowed in terms of prayer clause (a) thereof. The amendments to be carried out within one week. The amended copies of the commercial arbitration petitions to be served on the Respondents (including the newly added Respondent No.2). Reply, if any, by the Respondents, latest by 28 July 2017.

4 The Arbitration Petitions along with all concerned matters to come up for hearing on **2 August 2017**.

(S.C. GUPTE, J.)