

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2018

CORAM

THE HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.S.A.No.337 of 2017
and CMP.No.21855 of 2017

M/s.Nuclear Fuel Complex,
Government of India,
(Department of Atomic Energy),
Zirconium Complex,
Pazhayakayal Post,
Tuticorin-628 152. .. Appellant

vs

1.M/s.URC Constructions Private Ltd.,
H-102, Periyar Nagar,
Erode-638 001.

2.Shri D.K.Jain
Sole Arbitrator,
602, Sawan's Pride, CHS
Plot No.10 and 11, Sector 18,
Kharghar,
Navi, Mumbai-410 210. .. Respondent

Appeal filed under Order XXXVI, Rule 9 of Original Side
Rules read with Clause 15 of Letters Patent against the order
dated 17.08.2017 passed in A.No.1855/2016 in O.P.No.266/2016, on
the file of this Court. सत्यमेव जयते

A.1855 of 2016

Prayer : Application praying that this Hon'ble Court be pleased
to stay all further proceedings in pursuant to the award dated
01.11.2015 passed by the 2nd Respondent / Arbitration in Agreement
No.CE/NFC/NZOSP-852 of 2006-2007 dated 01/06/2006 pending
disposal of above O.P.

For Appellant .. Mr.S.M.Deenadayalan

For Respondents .. Mr.A.L.Somayaji, Senior Counsel
for M/s.V.Baranidharan for R1

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JUDGMENT

(Delivered by Ms.Indira Banerjee, Hon'ble Chief Justice)

This appeal is against the order dated 17.08.2017 in A.No.1855 of 2016 in O.P.No.266 of 2016, passed by the learned Single Judge, disposing of an application under Section 36 of the Arbitration and Conciliation Act, 1996, hereinafter referred to as "the 1996 Act", for stay of further proceedings in relation to the award impugned.

2. From the order under appeal, it appears that the main application under Section 34 of the 1996 Act, for setting aside of the award impugned, was to be listed for hearing in January, 2018.

3. We are informed by the learned counsel appearing on behalf of the appellant that the application for setting aside of the award under Section 34 of the 1996 Act had taken up for hearing by the Hon'ble Mr.Justice M.M.Sundresh, but released for personal reasons.

4. Since the application is ripe for final hearing, we dispose of the appeal, without going into the question of maintainability, by directing that the application under Section 34 of the 1996 Act be listed before the Hon'ble Mr.Justice M.Sundar. The learned Judge is requested to take up and decide the application expeditiously. No costs. Consequently, connected C.M.P.No.21855 of 2017 is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jvm

To

The Sub Assistant Registrar,
Original Side, High Court, Madras.

+2cc to Mr.V.Baranidharan, Advocate, S.R.No.15730,15788

+2cc to Mr.S.M.Deenadayalan, Advocate, S.R.No.15753

O.S.A.No.337 of 2017

GMR(CO)
RRK(27/03/2018)