

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 14TH DAY OF SEPTEMBER 2018

THE HON'BLE MS. JUSTICE P.T.ASHA

A. Nos.4687 to 4695 of 2018

A. Nos.4687 & 4691 of 2018:-

In the matter of Section 9
of the Arbitration and
Conciliation Act, 1996

and

In the matter of Arbitration
clause in Purchase Order
No.3500002136, dated
02.07.2010 and Service Order
No.3300006255, dated
19.07.2011

and

In the matter of Arbitration
relating to Marwa Project

and

In respect of Arbitration
Proceedings No.1 of 2017
before the Arbitral Tribunal
consisting of Mr.Justice
K.Govindarajan, Presiding
Arbitrator, Mr.Justice
G.M.Akbar Ali and Dr.Kirty
Dave, Arbitrators

Elecon Engineering Company Ltd.,
a Company incorporated under the Companies Act, 1956
having its Registered office and Corporate office at
Anand, Sujitra Road, Vallabh Vidyanagar-388120,
Gujarat, rep. by its Authorised Signatory,
Mr.Mahesh Kulkarni

... Applicant

-Versus-

BGR Energy Systems Ltd.,
a Company incorporated under the Companies Act 1956,
having its Registered office at A-5,
Pannamgadu Industrial Estate, Ramapuram Post,
Nellore District, Andhra Pradesh-524 401
and its corporate office at 443,
Anna Salai, Teynampet, Chennai-600 018.

... Respondent

A. No.4687 of 2018:-

Application praying that this Hon'ble Court be pleased to permit the applicant to substitute the bank guarantees mentioned in the schedule herein with the corporate guarantees of the applicant and consequently direct the respondent to return the original bank guarantees submitted by the applicant.

A. No.4691 of 2018:-

Application praying that this Hon'ble Court be pleased to extend the period of arbitration between the applicant and respondent which concluded on 14.06.2018 by a further period of one year.

A. Nos.4688 & 4692 of 2018:-

In the matter of Section 9 of the Arbitration and Conciliation Act, 1996

and

In the matter of Arbitration clause in Purchase Order No.3500000271, dated 06.02.2008 and Service Order No.33000004395, dated 15.06.2010

and

In the matter of Arbitration relating to Khaperkheda Project

and

In respect of Arbitration Proceedings No.5 of 2017 before the Arbitral Tribunal consisting of Mr.Justice K.Govindarajan, Presiding Arbitrator, Mr.Justice G.M.Akbar Ali and Dr.Kirby Dave, Arbitrators

Elecon Engineering Company Ltd.,
a Company incorporated under the Companies Act, 1956
having its Registered office and Corporate office at
Anand, Sujitra Road, Vallabh Vidyanagar-388120,
Gujarat, rep. by its Authorised Signatory,
Mr.Mahesh Kulkarni ... Applicant

BGR Energy Systems Ltd.,
 a Company incorporated under the Companies Act 1956,
 having its Registered office at A-5,
 Pannamgadu Industrial Estate, Ramapuram Post,
 Nellore District, Andhra Pradesh-524 401
 and its corporate office at 443,
 Anna Salai, Teynampet, Chennai-600 018. ... Respondent

A. No.4688 of 2018:-

Application praying that this Hon'ble Court be pleased to permit the applicant to substitute the bank guarantees mentioned in the schedule to the Judges Summons with the corporate guarantees of the applicant and consequently direct the respondent to return the original bank guarantees submitted by the applicant.

A. No.4692 of 2018:-

Application praying that this Hon'ble Court be pleased to extend the period of arbitration between the applicant and respondent which concluded on 14.06.2018 by a further period of one year.

A. Nos.4689 & 4693 of 2018:-

In the matter of Section 9
 of the Arbitration and
 Conciliation Act, 1996

and

In the matter of Arbitration
 clause in Purchase Order
 No.3500004565

and

In the matter of Arbitration
 relating to TRN Project

and

In respect of Arbitration
 Proceedings No.2 of 2017
 before the Arbitral Tribunal
 consisting of Mr.Justice
 K.Govindarajan, Presiding
 Arbitrator, Mr.Justice
 G.M.Akbar Ali and Dr.Kirty
 Dave, Arbitrators

Elecon Engineering Company Ltd.,
 a Company incorporated under the Companies Act, 1956
 having its Registered office and Corporate office at
 Ansa Road, Vallabh Vidyanagar-388120,
 Gujarat, rep. by its Authorised Signatory,
 Mr.Mahesh Kulkarni ... Applicant

-Versus-

BGR Energy Systems Ltd.,
a Company incorporated under the Companies Act 1956,
having its Registered office at A-5,
Pannamgadu Industrial Estate, Ramapuram Post,
Nellore District, Andhra Pradesh-524 401
and its corporate office at 443,
Anna Salai, Teynampet, Chennai-600 018. ... Respondent

A. No.4689 of 2018:-

Application praying that this Hon'ble Court be pleased to permit the applicant to substitute the bank guarantees mentioned in the schedule herein with the corporate guarantees of the applicant and consequently direct the respondent to return the original bank guarantees submitted by the applicant.

A. No.4693 of 2018:-

Application praying that this Hon'ble Court be pleased to extend the period of arbitration between the applicant and respondent which concluded on 14.06.2018 by a further period of one year.

A. Nos.4690 & 4694 of 2018:-

In the matter of Section 9
of the Arbitration and
Conciliation Act, 1996

and

In the matter of Arbitration
clause in Purchase Order
No.3500002117, dated
24.06.2010 and Service Order
No.3300006015, dated
01.06.2011

and

In the matter of Arbitration
relating to Chandrapur
Project

and

In respect of Arbitration
Proceedings No.3 of 2017
before the Arbitral Tribunal
consisting of Mr.Justice
K.Govindarajan, Presiding
Arbitrator, Mr.Justice
G.M.Akbar Ali and Dr.Kirty
Dave, Arbitrators

Elecon Engineering Company Ltd.,
 a Company incorporated under the Companies Act, 1956
 having its Registered office and Corporate office at
 Anand, Sujitra Road, Vallabh Vidyanagar-388120,
 Gujarat, rep. by its Authorised Signatory,
 Mr.Mahesh Kulkarni ... Applicant

-Versus-

BGR Energy Systems Ltd.,
 a Company incorporated under the Companies Act 1956,
 having its Registered office at A-5,
 Pannamgadu Industrial Estate, Ramapuram Post,
 Nellore District, Andhra Pradesh-524 401
 and its corporate office at 443,
 Anna Salai, Teynampet, Chennai-600 018. ... Respondent

A. No.4690 of 2018:-

Application praying that this Hon'ble Court be pleased to permit the applicant to substitute the bank guarantees mentioned in the schedule herein with the corporate guarantees of the applicant and consequently direct the respondent to return the original bank guarantees submitted by the applicant.

A. No.4694 of 2018:-

Application praying that this Hon'ble Court be pleased to extend the period of arbitration between the applicant and respondent which concluded on 14.06.2018 by a further period of one year.

A. No.4695 of 2018:-

WEB COPY In the matter of Section 29A
 of the Arbitration and
 Conciliation Act, 1996
 and

In the matter of Arbitration
 clause in Purchase Order
 No.3500001133, dated
 12.05.2009

and
 In the matter of Arbitration
 relating to Mettur Project
 and

In respect of Arbitration
 Proceedings No.4 of 2017
 before the Arbitral Tribunal
 consisting of Mr.Justice

K.Govindarajan, Presiding
Arbitrator, Mr.Justice
G.M.Akbar Ali and Dr.Kirty
Dave, Arbitrators

Elecon Engineering Company Ltd.,
a Company incorporated under the Companies Act, 1956
having its Registered office and Corporate office at
Anand, Sujitra Road, Vallabh Vidyanagar-388120,
Gujarat, rep. by its Authorised Signatory,
Mr.Mahesh Kulkarni ... Applicant

-Versus-

BGR Energy Systems Ltd.,
a Company incorporated under the Companies Act 1956,
having its Registered office at A-5,
Pannamgadu Industrial Estate, Ramapuram Post,
Nellore District, Andhra Pradesh-524 401
and its corporate office at 443,
Anna Salai, Teynampet, Chennai-600 018. ... Respondent

Application praying that this Hon'ble Court be pleased
to extend the period of arbitration between the applicant
and respondent which concluded on 14.06.2018 by a further
period of one year.

These applications coming on this day before this
court for hearing the court made the following order:-

The above applications have been filed under Section
29(A) of the Arbitration and Conciliation Act, 1996,
seeking extension of time for the Arbitral Tribunal to
conclude their proceedings and also for extending the bank
guarantees which have expired and are due to expire on
various dates.

2. Both the parties have consented to have the bank
guarantees extended by a further period of six months from
the date of expiry of their respective bank guarantees and
also for granting an extension of 12 months to the Arbitral
Tribunal.

3. Accordingly, the bank guarantees are extended for a further period of six months from the date of expiry of the respective bank guarantees. Further, the Arbitral Tribunal is granted an extension of 12 months to conclude the proceedings from 14.06.2018. Both the parties are directed to adhere to the schedule and in case of any default or delay on the part of either of the parties, the Tribunal is free to put them on such terms as it deems fit. In case, the proceedings are not completed by March 2019 and the period of the bank guarantees have expired, any further application for extension of bank guarantees shall be moved by the parties before the Arbitral Tribunal.

4. All the applications are closed with the above directions.

सत्यमेव जयते

Sd/-P.T.A.J

14/09/2018

//Certified to be a true copy//

Dated this the day of 2018

JJ 18.09.2018

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.