

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2019

CORAM

THE HONOURABLE Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

O.P.Nos.518, 519 & 520 of 2013

M/S.NEPC India Ltd
1678, Trichy Road,
Ramanathapuram,
Coimbatore-641 045

..Petitioner in
all O.Ps

Vs

1.M/S.Goyal M.G.Gases, Pvt, Ltd.
53, New Friend's colony (East)
New Delhi-110 065

.. 1st Respondent in
O.P.No.518 & 519 of 2013

2.M/S.Morgan Ventures Pvt.Ltd.
53, New Friend's colony (East)
New Delhi-110 065

.. 1st Respondent in
O.P.No.520 of 2013

3.Mr.Justice Devinder Gupta (Retd.)

.. 2nd Respondent in
all O.Ps

Common prayer: Original Petitions filed under Section 34 of the Arbitration and Conciliation Act, 1996 praying to set aside the Award dated 11.11.2011 passed in WEG (case No.3/29), (case No.1/32) and (Case No.4/12) in entirety.

For Petitioner in all O.Ps : Mr.K.V.Karthik Subramanian

For Respondent 1 in all O.Ps : M/s.S.L.Sundarsanam

COMMON O R D E R

I heard the learned counsel for the petitioner and the learned counsel for the first respondent.

2. The learned counsel for the petitioner filed a Memo dated 25.09.2019 seeking permission to withdraw these petitions with liberty to re-present the same before the Court of Competent jurisdiction at New Delhi. He relied upon a Judgment of the Hon'ble Supreme Court of India in the case of *Brahmani River Pellets Vs. Kamachi Industries* in C.A.No.5850 of 2019 dated 25.07.2019, in order to substantiate his request for liberty to re-present.

3. However, the learned counsel for the respondent opposed this request and stated that such liberty should not be granted. The learned counsel for the respondents also filed an objection to the said Memo to the effect that the request for liberty to re-present the petitions should be rejected.

4. Upon consideration of the Memo, Objections and the oral statements, it is directed that the petition along with all connected papers, including the original Arbitral award, be returned to the petitioner as requested for the purpose of re-presentation before the appropriate Court in New Delhi.

5. It is made clear that the question of applicability of Section 14 of the Limitation Act, 1963, to the proceedings before this Court is left open to be decided when the petitions are re-presented before the appropriate Court in New Delhi. Therefore, these petitions are closed for the above reasons.

03.10.2019

Speaking/Non-speaking Orders.

Index: Yes/No

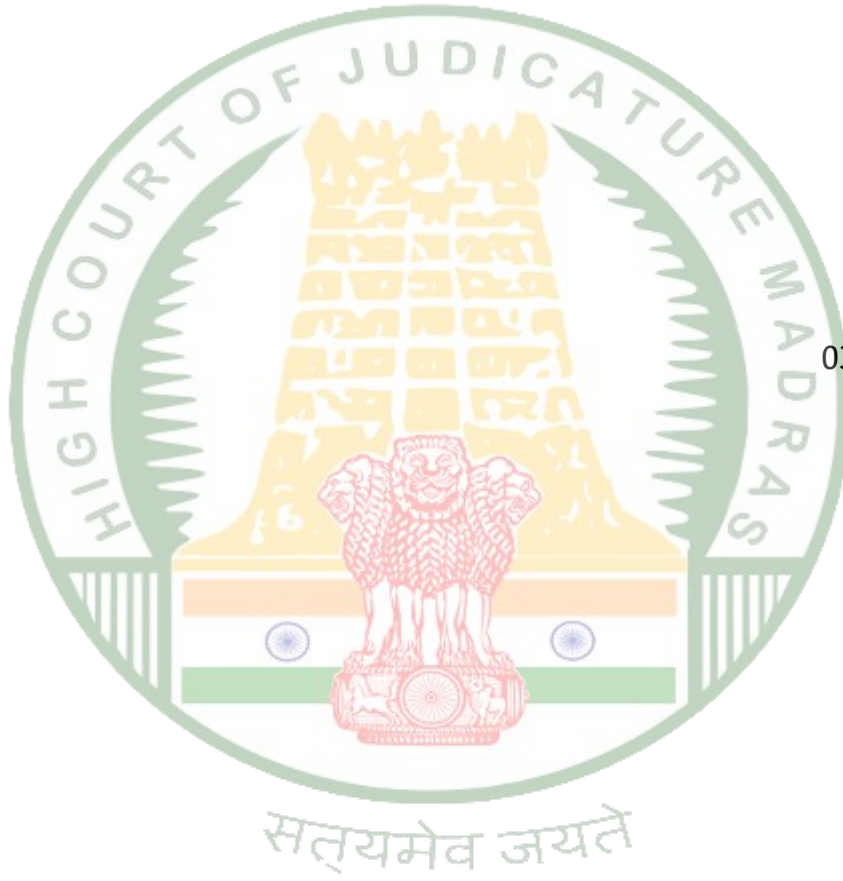
Internet: Yes/No

vsn

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SENTHILKUMAR RAMAMOORTHY,J
vsn



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