

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 19TH DAY OF SEPTEMBER 2019

THE HON'BLE MRS. JUSTICE PUSHPA SATHYANARAYANA

A. No.6862 of 2019

In the matter of Section 27
of the Arbitration and
Conciliation Act, 1996

And

In the matter of Arbitral
proceedings before retd.
Hon'ble Mr. Justice R.V
Raveendran (Former Judge
Supreme Court of India) in
terms of Order dated
20.11.2017 passed by the
Hon'ble Supreme Court of
India in C.A.No.11148 of
2017.

MMTC LTD,
ESSAR HOUSE, 6,
ESPLANADE,, CHENNAI-600 001,
REPRESENTED BY ITS AUTHORISED SIGNATORY,
MR.E.MALARVANNAN

...Applicant

Vs.

1 M/S. SHIV SAHAI AND SONS,
1, NARASIMA DASARI LANE,
60-61, NSC BOSE ROAD,
CHENNAI 600 001
REPRESENTED BY ITS PROPRIETOR
MR.NARESH PRASAD AGARWAL.

2 M/S. SHIV SAHAI AND SONS (INDIA) LTD,
 1, NARASIMA DASARI LANE,
 60-61, NSC BOSE ROAD,
 CHENNAI 600 001, BEING THE SUCESSOR IN THE TITLE
 TO SHIV SAHAI AND SONS,
 THE PROPRIETARY CONCERN,
 THROUGH ITS DIRECTORS,
 REP.BY MR.NARESH PRASAD AGARWAL.

...Respondents

Application praying that this Hon'ble Court be pleased to allow the present application by assisting the Applicant in taking evidence in the arbitration by issuing summons to the witnesses named in para 10 of the accompanying affidavit.

This application coming on this day before this court for hearing, the Court made the following order:-

The above application is filed by the applicant/MMTC seeking a direction assisting them to take evidence by issuing summons to the witnesses, namely, (i) S.Govindan, GM Retd.(Union Bank of India), (ii) PL.Alagappan, AGM, Retd. (Union Bank of India), (iii) K.Vaideeswaran, Chief Manager, Retd.(Union Bank of India) and (iv) Dilip Kumar, Director, Miles and Miles Tours and Travels Pvt.Ltd.

सत्यमेव जयते

2. It appears from the order dated 03.05.2019 passed by the learned Sole Arbitrator that in two applications dated 02.04.2019 and 02.05.2019 filed by the MMTC Ltd and the respondents, the Tribunal had granted approval to approach the jurisdictional Court under Section 27 of the Arbitration and Conciliation Act, 1996. For issuing summons to the witnesses to be examined based on the said approval, this application has been filed.

3. The learned counsel for the respondents has got no serious objection in allowing this application. He also submitted that the respondents have taken out a similar application to examine yet another witness on their side.

4. Accordingly, the application is allowed. The learned Sole Arbitrator appointed may issue notices/summons directly to the above said witnesses fixing the date for their appearance before the Tribunal for the purpose of giving evidence.

Sd/-P.S.N.J
19/09/2019

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

jj 16/10/2019

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