

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

CHAMBER SUMMONS NO.612 OF 2016
IN
APPEAL NO.656 OF 2014
IN
ARBITRATION PETITION NO.584 OF 2008

Acergy France

..Applicant

IN THE MATTER BETWEEN

Enterpose GTM Four Les Travaux

Petroliers Maritimes and Volker Stevins

Baggermaatschappy N. V. (Consortium)

..Appellant

Versus

Oil and Natural Gas Corporation Limited

..Respondent

Mr. Shashank Garg a/w Mr. Sheikh Yusuf Ali i/by Advani & Co.,
Advocate for the Applicant.

Mr. S. A. Bhalwal a/w Ms. Usha Singh i/by Vyas & Bhalwal, Advocates
for the Respondent.

**CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**

DATE : 9th JANUARY, 2020

P.C.

1] Record of the arbitration proceedings shows that the two members of the joint venture : Enterpose GTM Four Les Travaux Petroliers Maritimes and Volker Stevins Baggermaatschappy N. V. litigated against Oil and Natural Gas Corporation Limited. Vide afore-noted Chamber Summons pointing out that the first member of

(12) -CHS-612-16.doc.

the joint venture has since changed its name to Acergy France it is prayed that in the memo of parties substitution be effected.

2] Opposition is premised on the plea that the change of name took place in the year 2000 and this was not informed to the learned Arbitrator. The argument is that a non-existing company litigated before the Arbitrator.

3] Now, change in name of a juristic entity does not mean that the juristic entity did not exist. The juristic entity existed but with a different name.

4] It hardly matters whether or not change of name was not incorporated when the arbitration proceedings were on.

5] The Chamber Summons is allowed. Prayer made in the Chamber Summons is allowed. Re-verification is dispensed with.

6] Formal amendment be carried out before the Prothonotary and Senior Master.

7] No time limit is fixed, but amendment be carried out within a reasonable time.

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Panchal
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SMT. BHARATI DANGRE, J

CHIEF JUSTICE

BGP.

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