

A.No.2853 of 2020
in
O.P.D.No.16722 of 2020
(Filing Number)

M.SUNDAR.J.,

Aforementioned 'Original Petition' ['OP' for the sake of brevity, convenience and clarity] has been filed assailing an 'arbitral award dated 31.07.2019' ['impugned award' for the sake of convenience].

2. Captioned application has been filed with a prayer to dispense with production of the original of the impugned award. The reason supporting this prayer has been articulated in paragraph No.8 of the affidavit filed in support of captioned application and Ms.Nalini Chidambaram, learned Senior Counsel appearing on behalf of counsel on record for applicant/petitioner draws the attention of this Court to the said paragraph No.8 which reads as follows:

'8. The Applicants do not have the original Arbitral Award dated 31.07.2019 in A.C.P.TF No.62/2018 issued by the Sole Arbitrator. The Sole Arbitrator sent the award by post to the Applicants which was only the Xerox copy of the award and the Applicants received the same by post only on 28.12.2019.

Hence the Applicants unable to file the original Arbitral Award in the present Original Petition and are filing the Xerox copy of the same. The non-filing of the original Arbitral Award is neither wilful nor wanton but due to the bonafide reasons as stated above. Hence, this Hon'ble Court may be pleased to dispense with the production of the original Arbitral Award dated 31.07.2019 issued by the Sole Arbitrator.'

3. Without expressing any opinion on the aforementioned averment, leaving open the same to be decided later if it is put in issue and/or if the need arises to decide on the averment, considering the innocuous nature of the prayer, captioned application is ordered as prayed for. There shall be no order as to costs.

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07.12.2020

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