

A.No.1668 of 2020
in
OP.No.334 of 2020

M.SUNDAR.J.,

Captioned application has been taken out by the petitioner in the main 'Original Petition' ['OP' for brevity] seeking permission to bring on record seven documents. Mr.PJ.Rishikesh, learned counsel on record for the applicant is before me in this web-hearing on a video-conferencing platform.

2. Seven documents, which are now sought to be brought on record as can be culled out from the judges' summons are as follows:

<i>S.No.</i>	<i>Date</i>	<i>Description</i>	<i>Nature of Document</i>
1.		Inter Office Memo from K.Manoharaj, AGM EPI, Bangalore to Shri A.S.Gupta, Manager (Fin), SRO, Chennai- Return of EMD to the Respondent-Reg	True Copy
2.	19.08.2011	Letter of Mr.A.S.Gupta, Manager (Fin) Chennai to AGM, EPI Bangalore-Cheque dated 19.08.2011 for Rs.7,80,000/- in favour of the Respondent towards the return of their EMD-Enclosed.	True Copy
3.	20.08.2011	Letter of Respondent to AGM of Petitioner-Acknowledgment of refund of EMD	True Copy
4.	19.08.2011	Acknowledgment sheet of Copy of Cheque bearing No.061478- Signed by Managing Partner of Respondent	True Copy

S.No.	Date	Description	Nature of Document
5.	12.05.2012	Letter of the Respondent to the Petitioner requesting return of the Bank Guarantee for Rs.6,50,000/-	True Copy
6.	08.06.2012	Acknowledgment of Receipt of Original Bank Guarantee by M/s.Balaji Projects	True Copy
7.	11.10.2017	Order passed by the Hon'ble High Court of Karnataka at Bengaluru in the Section 11 Petition filed by the Respondent herein being CMP.No.34 of 017	True Copy

3. The aforesaid tabulation is self-explanatory, the aforementioned documents were not part of the records before the Arbitral Tribunal, which made the impugned award dated 14.12.2019 and an Additional Award dated 23.01.2020.

4. Though very many reasons have been articulated in the affidavit filed in support of instant application, two reasons impel me to accede to the request in this application and those two reasons are that the documents sought to be brought on record are necessary for arguing regarding (a) jurisdiction and (b) limitation aspect.

5. Jurisdiction and limitation have to necessarily be looked into for deciding whether notice has to be issued in the main OP. To be noted, the sole Arbitrator, who constituted the Arbitral Tribunal, which made the

impugned award was appointed by Karnataka High Court vide order dated 11.10.2017 and this order is also one of the seven documents, which are now sought to be brought on record.

6. The prayer in instant application is acceded to albeit preserving all the rights of the respondent, regarding aforementioned seven documents being brought on record and the seven documents, (if this Court issues notice in the main OP), as this application being allowed prior to main OP being taken up for deciding whether notice should be issued i.e., prior to notice to respondent in instant application.

7. Instant application ordered with the above Caveat/above terms.

18.08.2020

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