

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 04TH DAY OF MARCH 2021

THE HON'BLE MS. JUSTICE P.T.ASHA

A.Nos.2142 to 2146 of 2020

A.No.2142 of 2020:

In the matter of Section 9 of the
Arbitration and Conciliation
Act, 1996

and

In the matter of Arbitration
Clause in Purchase Order
No.3500002136, dated
19.07.2011

and

In the matter of Arbitration
relating to Marwa Project

and

In respect of the Award dated
01.09.2019

in the Arbitration Case No.1 of
2017 before the Arbitral

Tribunal Consisting of

Mr.Justice K.Govindarajan,
Presiding Arbitrator, Mr.Justice
G.M.Akbar Ali and Dr. Kirty
Dave, Arbitrators.

ELECON ENGINEERING COMPANY LTD.

A COMPANY INCORPORATED UNDER

THE COMPANIES ACT 1956,

having its Registered office and

corporate office at Anand-Sojitra Road,

Vallabh Vidyanagar 388 120

Gujarat Represented by its Authorised Signatory.

..Applicant

-Vs-

1. BGR ENERGY SYSTEMS LTD.
A COMPANY INCORPORATE UNDER
THE COMPANIES ACT, 1956,
having its registered office at A-5
Pannamgadu, Industrial Estate,
Ramapuram Post, Nellore District
Andhra Pradesh - 524 401
and its corporate office at 443,
Anna Salai,
Teynampet, Chennai 600 018.

2. NLC INDIA LIMITED
First Floor, No.8 Mayor Sathyamurthy Road,
FSD Egmore, Complex of Food Corporation of India,
Chetpet, Chennai Tamilnadu 600 031.

3. ANDHRA PRADESH POWER
GENERATION CORPORATION LIMITED
Rd Number 1, HLC Colony Ext,
Priyanka Nagar, Anantapur,
Andhra Pradesh 515 001.

4. TAMIL NADU GENERATION
AND DISTRIBUTION CORPORATION LIMITED
10th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai - 600002.

5. NTPC LIMITED
NTPC Bhawan, SCOPE Complex,
Institutional Area, Lodhi Road,
New Delhi - 110 003.

6. NUCLEAR - POWER CORPORATION OF INDIA LTD
12-N-14, Vikaram Sarabhai Bhavan,
Anushakthi Nagar, Mumbai-400 094.

7. B.M.M.IPSAT LTD
114 Danapur Village,
Hobli Marriamanahalli Hospet Taluq,
Bellary District KA 583 222.

8. TAMIL NADU TRANSMISSION CORPORATION
(TANTRANSCO) LTD.,
Npkrr Maligai (TNEB Office),
144, Anna Salai,
Chennai Tn - 600 002.

9. MAHARASHTRA STATE POWER GENERATION CO. LTD.
Prakashgad,
Plot No.G-9,
Bandra (East)
Mumbai-400 051. ..Respondents

Original Application praying that this Hon'ble Court be pleased to grant a prohibitory order prohibiting the Garnishees (Respondents 2-9) from making any payment to the extent of Rs.12,83,96,866/- (Rupees Twelve Crores eighty Three Lakhs Ninety Six Thousand Eight Hundred and Sixty Six only) from the amount payable by them to the Respondent No.1 and prohibiting the Respondent No.1 from receiving the said sum from the Garnishees (Respondents2-9) until the execution of the Award dated 01/09/2019 passed in the Arbitral Proceedings between the Applicant and the Respondent No.1 and also further direct the Respondents 2-9 to deposit the said amount before this Hon'ble Court.

A.No.2143 of 2020:

In the matter of Section 9 of the
Arbitration and Conciliation
Act, 1996
and
In the matter of Arbitration
Clause in Purchase Order

No.3500000271, dated
06.02.2008 and service order
No.35000004395, dated
15.06.2010
and
In the matter of Arbitration
relating to Khaprekhedha project
and
In respect of the Award dated
01.09.2019
In respect of the Award dated
01.09.2019 in the Arbitration
Case No.5 of 2017 before the
Arbitral Tribunal Consisting of
Mr.Justice K.Govindarajan,
Presiding Arbitrator, Mr.Justice
G.M.Akbar Ali and Dr.Kirty
Dave, Arbitrators.

ELECON ENGINEERING COMPANY LTD.
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 1956,
having its Registered office and
corporate office at Anand-Sojitra Road,
VallabhVidyanagar 388 120
Gujarat Represented by its Authorised Signatory. ..Applicant

-Vs-

1. BGR ENERGY SYSTEMS LTD.
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 1956,
having its registered office at A-5
Pannamgadu, Industrial Estate, Ramapuram Post, Nellore District
Andhra Pradesh - 524 401
and its corporate office at 443,
Anna Salai, Teynampet, Chennai - 600 018.

2. NLC INDIA LIMITED
First Floor, No.8 Mayor Sathyamurthy Road,
FSD, Egmore, Complex of Food Corporation of India,
Chetpet, Chennai, Tamilnadu - 600 031.

3. ANDHRA PRADESH POWER
GENERATION CORPORATION LIMITED

Rd Number 1, HLC Colony Ext,
Priyanka Nagar, Anantapur,
Andhra Pradesh - 515 001.

4. TAMIL NADU GENERATION
AND DISTRIBUTION CORPORATION LIMITED

10th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai - 600002.

5. NTPC LIMITED

NTPC Bhawan, SCOPE Complex,
Institutional Area, Lodhi Road,
New Delhi - 110 003.

6. NUCLEAR - POWER CORPORATION OF INDIA LTD

12-N-14, Vikaram Sarabhai Bhavan,
Anushakthi Nagar, Mumbai-400 094.

7. B.M.M.IPSAT LTD

114 Danapur Village,
Hobli Marriamanahalli Hospet Taluq,
Bellary District KA 583 222.

8. TAMIL NADU TRANSMISSION CORPORATION
(TANTRANSCO) LTD.,

Npkrr Maligai (TNEB Office),
144, Anna Salai,
Chennai Tn - 600 002.

9. MAHARASHTRA STATE POWER GENERATION CO. LTD.

Prakashgad, Plot No.G-9,
Bandra (East)
Mumbai-400 051.

..Respondents

Application praying that this Hon'ble Court be pleased to grant a

prohibitory order prohibiting the Garnishees (Respondents 2-9) from

making any payment to the extent of Rs.11,03,64,047/- (Rupees Eleven Crores Three Lakhs sixty Four Thousand and Forty Seven only) from the amount payable by them to the Respondent No.1 and prohibiting the Respondent No.1 from receiving the said sum from the Garnishees (Respondents 2-9) until the execution of the Award dated 01/09/2019 passed in the Arbitral Proceedings between the Applicant and the Respondent No.1 and also further direct the Respondents 2-9 to deposit the said amount before this Hon'ble Court.

A.No.2144 of 2020:

In the matter of Section 9 of the Arbitration and Conciliation Act, 1996 and

In the matter of Arbitration Clause in Purchase Order No.3500004565, dated 03.11.2012 and

In the matter of Arbitration relating to TRN Project and

In respect of the Award dated 01.09.2019 in the Arbitration Case No.2 of 2017 before the Arbitral Tribunal Consisting of Mr.Justice K.Govindarajan, Presiding Arbitrator, Mr.Justice G.M.Akbar Ali and Dr. Kirty Dave, Arbitrators.

ELECON ENGINEERING COMPANY LTD.
 A COMPANY INCORPORATED UNDER
 THE COMPANIES ACT 1956,
 having its Registered office and
 corporate office at Anand-Sojitra Road,
 VallabhVidyanagar 388 120
 Gujarat Represented by its Authorised Signatory. ..Applicant

-Vs-

1. BGR ENERGY SYSTEMS LTD.
 A COMPANY INCORPORATE UNDER
 THE COMPANIES ACT, 1956,
 having its registered office at A-5
 Pannamgadu, Industrial Estate,
 Ramapuram Post, Nellore District
 Andhra Pradesh - 524 401
 and its corporate office at 443,
 Anna Salai,
 Teynampet, Chennai - 600 018.

2. NLC INDIA LIMITED
 First Floor, No.8 Mayor Sathyamurthy Road,
 FSD, Egmore, Complex of Food Corporation of India,
 Chetpet, Chennai, Tamilnadu - 600 031.

3. ANDHRA PRADESH POWER
 GENERATION CORPORATION LIMITED
 Rd Number 1, HLC Colony Ext,
 Priyanka Nagar, Anantapur,
 Andhra Pradesh - 515 001.

4. TAMIL NADU GENERATION
 AND DISTRIBUTION CORPORATION LIMITED
 10th Floor, NPKRR Maaligai,
 144, Anna Salai, Chennai - 600002.

5. NTPC LIMITED
 NTPC Bhawan, SCOPE Complex,
 Institutional Area, Lodhi Road,
 New Delhi - 110 003.

6. NUCLEAR - POWER CORPORATION OF INDIA LTD
12-N-14, Vikaram Sarabhai Bhavan,
Anushakthi Nagar,
Mumbai-400 094.

7. B.M.M.IPSAT LTD
114 Danapur Village,
Hobli Marriamanahalli Hospet Taluq,
Bellary District KA 583 222.

8. TAMIL NADU TRANSMISSION CORPORATION
(TANTRANSCO) LTD.,
Npkrr Maligai (TNEB Office),
144, Anna Salai,
Chennai Tn - 600 002.

9. MAHARASHTRA STATE POWER GENERATION CO. LTD.
Prakashgad, Plot No.G-9,
Bandra (East)
Mumbai-400 051.

..Respondents

Application praying that this Hon'ble Court be pleased to grant a prohibitory order prohibiting the Garnishees (Respondents 2-9) from making any payment to the extent of Rs.21,46,350/- (Rupees Twenty One Lakhs Forty Six Thousand Three Hundred and fifty only) from the amount payable by them to the Respondent No.1 and prohibiting the Respondent No.1 from receiving the said sum from the Garnishees (Respondents2-9) until the execution of the Award dated 01/09/2019 passed in the Arbitral Proceedings between the Applicant and the Respondent No.1 and also further direct the Respondents 2-9 to deposit the said amount before this Hon'ble Court.

A.No.2145 of 2020:

In the matter of Section 9 of the
Arbitration and Conciliation
Act, 1996

and

In the matter of Arbitration
Clause in Purchase Order
No.3500001133, dated
12.05.2009

and

In the matter of Arbitration
relating to Mettru Project
and

In respect of the Award dated
01.09.2019
in the Arbitration Case No.4 of
2017 before the Arbitral
Tribunal Consisting of
Mr.Justice K.Govindarajan,
Presiding Arbitrator, Mr.Justice
G.M.Akbar Ali and Dr. Kirty
Dave, Arbitrators.

ELECON ENGINEERING COMPANY LTD.
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT 1956,
having its Registered office and
corporate office at Anand, Sojitra Road,
Vallabh Vidyanagar - 388 120
Gujarat Represented by its Authorised Signatory. ..Applicant

-Vs-

1. BGR ENERGY SYSTEMS LTD.
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 1956,
having its registered office at A-5
Pannamgadu, Industrial Estate,
Ramapuram Post, Nellore District

Andhra Pradesh - 524 401
and its corporate office at 443,
Anna Salai,
Teynampet, Chennai - 600 018.

2. NLC INDIA LIMITED

First Floor, No.8 Mayor Sathyamurthy Road,
FSD, Egmore, Complex of Food Corporation of India,
Chetpet, Chennai, Tamilnadu - 600 031.

**3. ANDHRA PRADESH POWER
GENERATION CORPORATION LIMITED**

Rd Number 1, HLC Colony Ext,
Priyanka Nagar, Anantapur,
Andhra Pradesh - 515 001.

**4. TAMIL NADU GENERATION
AND DISTRIBUTION CORPORATION LIMITED**

10th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai - 600002.

5. NTPC LIMITED

NTPC Bhawan, SCOPE Complex,
Institutional Area, Lodhi Road,
New Delhi - 110 003.

6. NUCLEAR - POWER CORPORATION OF INDIA LTD

12-N-14, Vikaram Sarabhai Bhavan,
Anushakthi Nagar, Mumbai-400 094.

7. B.M.M.IPSAT LTD

114 Danapur Village,
Hobli Marriamanahalli Hospet Taluq,
Bellary District KA 583 222.

**8. TAMIL NADU TRANSMISSION CORPORATION
(TANTRANSCO) LTD.,**

Npkrr Maligai (TNEB Office),
144, Anna Salai,
Chennai Tn - 600 002.

9. MAHARASHTRA STATE POWER GENERATION CO. LTD.
Prakashgad, Plot No.G-9,
Bandra (East)
Mumbai-400 051.

..Respondents

Application praying that this Hon'ble Court be pleased to grant a prohibitory order prohibiting the Garnishees (Respondents 2-9) from making any payment to the extent of Rs.3,31,96,734/- (Rupees Three Crores Thirty One Lakhs Ninety Six Thousand Seven Hundred and Thirty Four only) from the amount payable by them to the Respondent No.1 and prohibiting the Respondent No.1 from receiving the said sum from the Garnishees (Respondents 2-9) until the execution of the Award dated 01/09/2019 passed in the Arbitral Proceedings between the Applicant and the Respondent No.1 and also further direct the Respondents 2-9 to deposit the said amount before this Hon'ble Court.

A.No.2146 of 2020:

In the matter of Section 9 of the Arbitration and Conciliation

Act, 1996

and

In the matter of Arbitration

Clause in Purchase Order

No.3500002117, dated

24.06.2010 and service Order

No.3300006015, dated

01.06.2011

and

In the matter of Arbitration

relating to Chandrapur Project

and

In respect of the Award dated

01.09.2019
 in the Arbitration Case No.3 of
 2017 before the Arbitral
 Tribunal Consisting of
 Mr.Justice K.Govindarajan,
 Presiding Arbitrator, Mr.Justice
 G.M.Akbar Ali and Dr. Kirty
 Dave, Arbitrators.

ELECON ENGINEERING COMPANY LTD.
 A COMPANY INCORPORATED UNDER
 THE COMPANIES ACT 1956,
 having its Registered office and
 corporate office at Anand, Sojitra Road,
 Vallabh Vidyanagar - 388 120
 Gujarat Represented by its Authorised Signatory. ..Applicant

-Vs-

1. BGR ENERGY SYSTEMS LTD.
 A COMPANY INCORPORATE UNDER
 THE COMPANIES ACT, 1956,
 having its registered office at A-5
 Pannamgadu, Industrial Estate,
 Ramapuram Post, Nellore District
 Andhra Pradesh - 524 401
 and its corporate office at 443,
 Anna Salai,
 Teynampet, Chennai - 600 018.

2. NLC INDIA LIMITED
 First Floor, No.8 Mayor Sathyamurthy Road,
 FSD, Egmore, Complex of Food Corporation of India,
 Chetpet, Chennai, Tamilnadu - 600 031.

3. ANDHRA PRADESH POWER
 GENERATION CORPORATION LIMITED
 Rd Number 1, HLC Colony Ext,
 Priyanka Nagar, Anantapur,

Andhra Pradesh - 515 001.

4. TAMIL NADU GENERATION
AND DISTRIBUTION CORPORATION LIMITED
10th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai - 600002.

5. NTPC LIMITED
NTPC Bhawan, SCOPE Complex,
Institutional Area, Lodhi Road,
New Delhi - 110 003.

6. NUCLEAR - POWER CORPORATION OF INDIA LTD.
12-N-14, Vikaram Sarabhai Bhavan,
Anushakthi Nagar, Mumbai-400 094.

7. B.M.M.IPSAT LTD
114, Danapur Village,
Hobli Marriamanahalli Hospet Taluq,
Bellary District KA 583 222.

8. TAMIL NADU TRANSMISSION CORPORATION
(TANTRANSCO) LTD.,
Npkrr Maligai (TNEB Office),
144, Anna Salai,
Chennai Tn - 600 002.

9. MAHARASHTRA STATE POWER GENERATION CO. LTD.
Prakashgad, Plot No.G-9,
Bandra (East)
Mumbai-400 051.

..Respondents

Application praying that this Hon'ble Court be pleased to grant a
prohibitory order prohibiting the Garnishees (Respondents 2-9) from
making any payment to the extent of Rs.14,44,07,793/- (Rupees Forteen

only) from the amount payable by them to the Respondent No.1 and prohibiting the Respondent No.1 from receiving the said sum from the Garnishees (Respondents 2-9) until the execution of the Award dated 01/09/2019 passed in the Arbitral Proceedings between the Applicant and the Respondent No.1 and also further direct the Respondents 2-9 to deposit the said amount before this Hon'ble Court.

These applications are coming on this day before this court for hearing the court made the following order:

The learned counsel for the applicant seeks permission of this Court to withdraw these applications. He has also made an endorsement to that effect.

Recording the endorsement made by the learned counsel for the applicant, these Applications are dismissed as withdrawn.

सत्यमेव जयते Sd/.P.T.A.J.
04.03.2021

//Certified to be a true copy//

Dated this the _____th day of _____ 2021.

Su.16.03.2021

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.