

**A.No.1508 of 2021**  
**in**  
**O.P.No.334 of 2020**

**M.SUNDAR, J**

Mr.P.J.Rishikesh learned counsel for applicant/petitioner i.e., 'Engineering Projects India Ltd.' [hereinafter 'EPI' for the sake of brevity and convenience] is before me in this Virtual Court.

2. Aforementioned 'Original Petition No.334 of 2020' [hereinafter 'main OP' for the sake of clarity] was filed challenging an 'arbitral award dated 04.12.2019' [hereinafter 'impugned award' for the sake of brevity and convenience] and 'additional award dated 23.01.2020' [hereinafter 'impugned additional award' for the sake of brevity and convenience]. Aforementioned main OP was disposed of by this Court by an order dated 05.02.2021 *inter-alia* leaving it open to EPI to approach appropriate Court in Karnataka/Bangalore.

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3. Learned counsel for applicant/petitioner, submits that EPI is giving legal quietus to aforementioned order in main OP and is not carrying it in appeal. Adverting to paragraph No.3 of the affidavit filed in support of captioned application, learned counsel for applicant submits

that the expression '*without touching upon the merits of the order passed*' only refers to limited scope of captioned application and reiterates that the order dated 05.02.2021 made in main OP has been given legal quietus and has attained finality, saying so, learned counsel reiterates the averments in paragraph No.3 of the affidavit filed in support of captioned application, which reads as follows:

*'3. I state that the petitioner has approached the jurisdictional Court at Bangalore to file the Section 34 petition and engaged a lawyer to file the petition. The petitioner has been informed by the jurisdictional Court that it requires the original Arbitral Award dated 04.12.2019 and additional award dated 23.01.2020 for processing and numbering the Section 34 petition. Hence this Application is filed seeking permission of this Hon'ble Court to return the Arbitral Award dated 04.12.2019 and additional award dated 23.01.2020. I state that this Application is filed only for the limited purpose of seeking return of the Arbitral Award dated 04.12.2019 and additional award dated 23.01.2020 without touching upon the merits of the order passed. I state that the interests of justice demand that the Application be allowed in order to process the Section 34 petition in the jurisdictional Court.'*

4. Mr.H.Karthik Seshadri learned counsel of M/s.Iyer and Thomas (Law Firm) who has joined this Virtual Court accepts notice for lone respondent and submits that he has no opposition or objection to the prayer in captioned application being acceded to.

5. This Court having heard learned counsel for applicant/petitioner, having perused the affidavit filed in support of captioned application, more particularly paragraph No.3 thereat and more particularly, having noticed that learned counsel for respondent in Karnataka/Bangalore Court does not have any objection or opposition to the prayer being acceded to, is of the considered opinion that the prayer in captioned application is not only innocuous, but imperative for EPI to pursue the matter deems it appropriate to allow captioned application with a further direction to Registry to return the impugned award and impugned additional award i.e., original arbitral award dated 04.12.2019 and original additional award dated 23.01.2020 filed along with main OP on or before 09.04.2021 Friday to counsel on record for petitioner in main OP under due acknowledgment.

**M.SUNDAR, J**

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6. Captioned application allowed and ordered with the above directives. There shall be no order as to costs.

31.03.2021

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**Note to Registry:**

Along with original impugned award and original impugned additional award, Registry to issue certified copies of order dated 05.02.2021 in O.P.No.334 of 2020, A.No.1497 of 2020 and this order.

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