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A.No.1732 of 2022
in Arb.O.P.(Com.Div.)D.No.33162 of 2022

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(Filing Number)

M.SUNDAR, J.,

Captioned application has been taken out with a prayer for dispensing with production of what has been described as 'original arbitral award dated 22.03.2021' [hereinafter 'impugned award' for the sake of convenience and clarity].

2. The reference to the original award is an obvious reference to a signed copy of the award within the meaning of sub-section(5) of Section 31 of 'The Arbitration and Conciliation Act, 1996 (Act No.26 of 1996)', [hereinafter referred to as 'A and C Act' for the sake of brevity]. Be that as it may, this Court has made 'The Madras High Court (Arbitration) Rules, 2020' [hereinafter 'MHC Arb Rules' for the sake of convenience and clarity] which came into force on and from 17.03.2021. Clause 3.4 of Practice Directions thereat reads as follows:

'3.4 Every proceeding challenging an award or appeals under the Act shall be accompanied by the Original Award challenged or Original Order appealed against or a duly certified copy of the same.'



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3. In the case on hand, Mr.Anirudh Krishnan, learned counsel for applicants submits that applicants 1 and 2 are respondents 6 and 3 respectively before the 'Arbitral Tribunal' ['AT'] which made the impugned award. Learned counsel submits that only one of the respondents was favoured with a signed copy of the impugned award by the AT and therefore, the applicants (respondents 6 and 3 before AT) have filed the captioned main Arbitration Original Petition assailing the impugned award by annexing a photocopy of the impugned award. Though there is no mention about clause 3.4 of Practice Directions of MHC Arb Rules, learned counsel requests that the captioned application is to be treated as one traceable to clause 3.4 of Practice Directions.

4. Learned counsel draws the attention of this Court to paragraph No.11 of the support affidavit and submits that respondent No.2 in the captioned application (M/s.Prime Store) has already moved a petition under Section 34 of A and C Act assailing the impugned award and the same has been taken on file as Arb O.P(Com.Div.)No.257 of 2021.



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5. Leaving open the question turning on Section 31(5) of A and C Act, captioned application is ordered as prayed for. There shall be no order as to costs.

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