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Rev.Appl.Nos.8 & 9 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Review Application Nos.8 & 9 of 2022
in Arb.O.P.Nos.426 & 427 of 2021

M/s.Zillion Infraprojects Private Limited,
(Formerly known as Durha Construction Pvt Ltd.)
5, Floor, Anushka Shopping Mall,
Plot No.2, Garg Trade Centre, Sector 11,
Rohini, New Delhi.

.. Petitioner in both Appln.

Vs.

Bharat Heavy Electrical Limited,
Power Sector Southern Region,
Tek Tower No.11,
Old Mahabalipuram Road,
Okkiyam Thorlipakkam,
Chennai, Tamil Nadu.

.. Respondent in both Appln.

Prayer in Rev.Appl.No.8 of 2022: Review Application filed under Section 114 read with Order XLVII of the Code of Civil Procedure, praying to review the order of this Court dated 29.07.2021 made in O.P.No.426 of 2021.

Prayer in Rev.Appl.No.9 of 2022: Review Application filed under Section 114 read with Order XLVII of the Code of Civil Procedure, praying to review the order of this Court dated 29.07.2021 made in O.P.No.427 of 2021.



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For Petitioner : Mr.S.Vijayakumar
in both cases

For Respondent : Mr.V.Shivakumar
in both cases for M/s.Dua Associates

COMMON ORDER

These review petitions have been filed seeking to review the orders passed by this Court in Arb.O.P.Nos.426/2021 and 427/2021 dated 29.07.2021 respectively.

2. The learned counsel appearing for the review petitioner submitted that the petitioner herein has filed two Arbitration Original Petitions being Arb.O.P.No.426 of 2021 and Arb.O.P.No.427 of 2021 simultaneously under Sections 11(4) and (6) of the Arbitration and Conciliation Act for direction seeking appointment of Arbitrators in both the petitions for hearing and resolving the subsisting dispute against the respondent.

3. The learned counsel appearing for the review petitioner submitted that the Arbitration petition filed in respect of dispute between Review Petitioner and Respondent arising out of LOI No.BHEL:PSSR:SCT:1319, dated 11/16.03.2009 was numbered as Arb.O.P.No.426 of 2021 and the



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Arbitration petition filed in respect of the dispute between the petitioner and the respondent arising out of LOI No.BHEL:PSSR:SCT:1248, dated 06.11.2007 was numbered as Arb.O.P.No.427 of 2021.

4. The learned counsel appearing for the review petitioner further submitted that the review petitioner while filing the rejoinder in both the petitions inadvertently committed an error by referring the averments and documents relating to LOI No.BHEL:PSSR:SCT:1248, dated 06.11.2007 in the rejoinder to Arb.O.P.No.426 of 2021 and referred the averments and documents relating to LOI No.BHEL:PSSR:SCT:1319, dated 11/16.03.2009 in the rejoinder to Arb.O.P.No.427 of 2021.

5. The learned counsel appearing for the review petitioner further submitted that due to the above inadvertent error, the submissions of the review petitioner made in respect of the facts related to LOI No.BHEL:PSSR:SCT:1319, dated 11/16.03.2009 were recorded in Arb.O.P.No.427 of 2001 instead of Arb.O.P.No.426 of 2021 and as a result, this Court allowed Arb.O.P.No.427 of 2021 instead of Arb.O.P.No.426 of 2021. On the other hand the submissions made by the review petitioner in LOI No.BHEL:PSSR:SCT:1248, dated 06.11.2007 were recorded in



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Arb.O.P.No.426 of 2021 instead of Arb.O.P.No.427 of 2021. Due to the above inadvertent error made by the learned counsel for the review petitioner, this Court dismissed the Arb.O.P.No.426 of 2021 instead of Arb.O.P.No.427 of 2021.

6. The learned counsel therefore seeks to review the order passed by this Court in Arb.O.P.Nos. 426/2021 and 427/2021 dated 29.07.2021 respectively.

7. The learned counsel appearing for the respondent submitted that as the error has crept in inadvertently, he has no objection in allowing both the review applications.

8. Heard the learned counsel appearing for the review petitioner and the learned counsel appearing for the respondent. I have also perused the records carefully.

9. Considering the above submissions made by the learned counsel on either side and also considering the fact that the the error has crept in inadvertently, both the review applications are allowed. Accordingly the



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Registry is directed to carry out necessary corrections as follows:

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(i) In Arb.O.P.No.426 of 2021, the Arb.O.P.No.426 of 2021 typed in the Cause Title be corrected as Arb.O.P.No.427 of 2021 and wherever LOI No.BHEL:PSSR:SCT:1319, dated 11/16.03.2009 is typed the same may be corrected as LOI No.BHEL:PSSR:SCT:1248, dated 06.11.2007, and

(ii) In Arb.O.P.No.427 of 2021, the Arb.O.P.No.427 of 2021 typed in the Cause Title be changed as Arb.O.P.No.426 of 2021 and wherever LOI No.BHEL:PSSR:SCT:1248, dated 06.11.2007 is typed the same may be corrected as LOI No.BHEL:PSSR:SCT:1319, dated 11/16.03.2009.

The Registry is further directed to issue fresh order copy to the parties.

10.11.2022

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N.SATHISH KUMAR, J.

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