



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM:

THE HON'BLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.3913 of 2022

and

C.M.P.No.20479 of 2022

Arkay Energy (Rameswaram) Pvt. Ltd.,
Having its registered office at
1st Floor, Unit 3,
Kapil Towers, Financial District,
Gachi Bowli
Hyderabad-500 032.

... Petitioner

Versus

Oil and Natural Gas Corporation Ltd.,
Karaikal Asset, Neravy Office Complex,
Karaikal, Puducherry – 609 604.

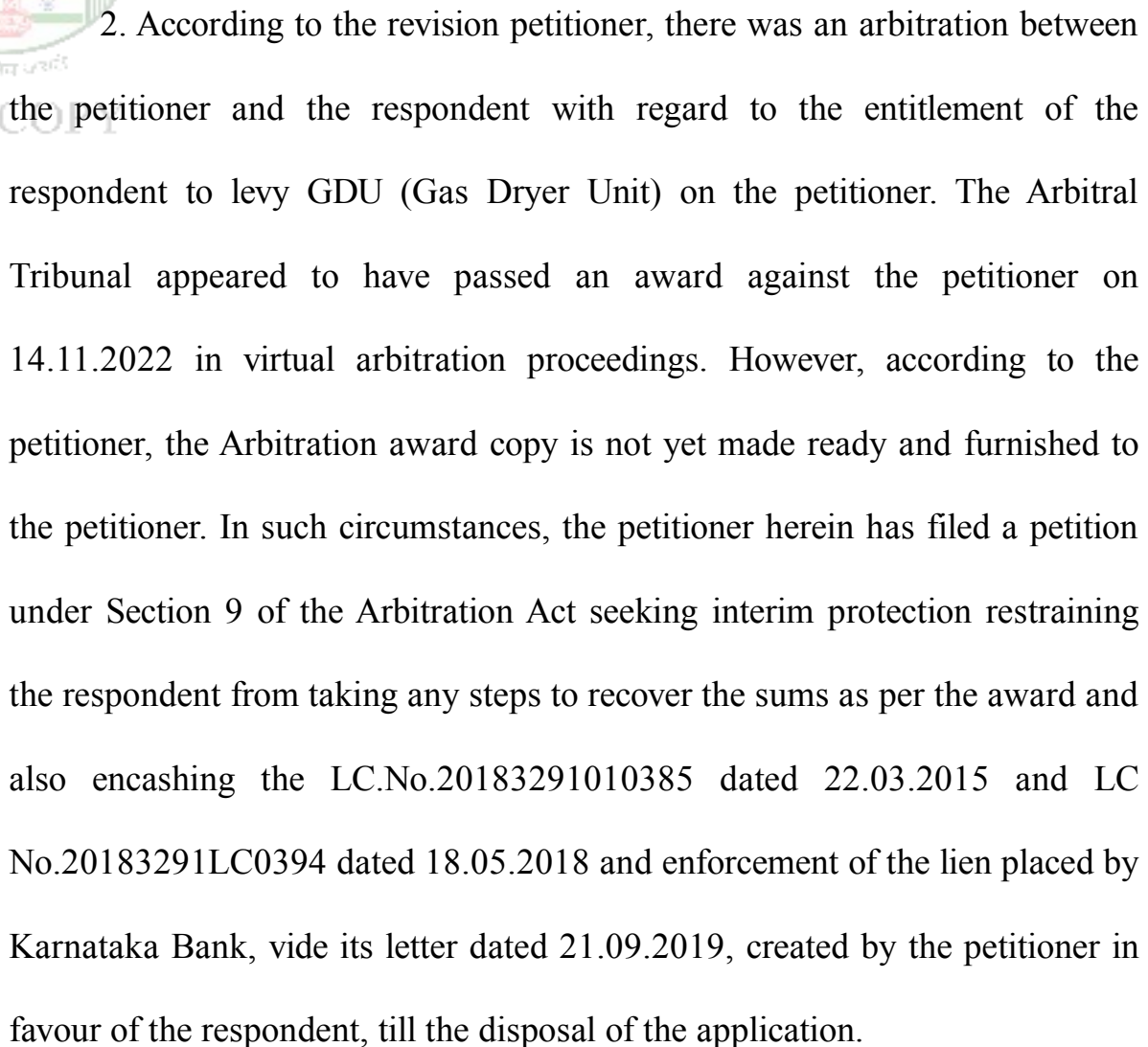
... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the learned District Court, Karaikal to take on record and number the petition bearing Arb.OP.(Filing) No.288 of 2022 filed by the petitioner, pending on the file of the learned District Court, Karaikal.

For Petitioner : Mr.Anirudh Krishnan

ORDER

This Civil Revision Petition is filed by the revision petitioner seeking direction to the District Court, Karaikal, to number the petition filed under Section 9 of the Arbitration Act in Arbitration O.P(Filing) No.288 of 2022.



3. The said application was returned by the court below with a direction to the petitioner to produce the copy of the arbitral award. Even in paragraph No.30 of the affidavit filed in support of the petition under Section 9 of the Arbitration Act, the petitioner has stated that the award was pronounced on 14.11.2022 and the copy of the award has not been given to petitioner so far. In the light of the said averments, the petitioner is not in a



position to furnish the copy of the award.

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4. The learned counsel for the petitioner, on instructions, would submit that if an interim protection is given in favour of the petitioner restraining the respondent from encashing LC.No.20183291010385 dated 22.03.2015 and LC.No.20183291LC0394 dated 18.05.2018, he will be satisfied and he may not press first limb of prayer regarding the injunction restraining the respondent from taking any steps to recover the sums as per the award.

5. In the light of the averments made by the petitioner in paragraph No.30 of affidavit filed in support of the petition under Section 9 of the Arbitration Act and by taking into consideration the peculiar fact that the award copy is not yet made ready and furnished to the petitioner, the court below is directed to number the petition filed under Section 9 of the Arbitration Act and dispose it in accordance with law, without insisting production of copy of award.

6. The petitioner is directed to re-present the arbitration OP (Filing) No.288 of 2022 within a period of one week from today. On such re-presentation, the court below is directed to number and dispose of the same, in



accordance with law, if it is otherwise in order.

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7. In the meantime, the respondent shall not take any steps to encash LC.No.20183291010385 dated 22.03.2015 and LC.No.20183291LC0394 dated 18.05.2018 in pursuance of the award dated 14.11.2022 which has not been served on the petitioner.

8. With the above direction, this Civil Revision Petition is disposed. Consequently, connected miscellaneous petition is closed. No costs.

28.11.2022

Internet:Yes
Index:Yes/No
gv

Note: Issue order copy on or before 29.11.2022



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To

The learned District Court,
Karaikal.

S.SOUNTHAR, J.

gv



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