



CMA.No. 765 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR.JUSTICE P. DHANABAL**

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Tamilnadu Transmission Corporation Ltd.,
Represented by its Chief Engineer/Transmission
5th Floor, Northern Wing,
TANTRANSCO Head Office, No. 144, Anna Salai,
Formerly 6th Floor, NPKRR Maligai,
No. 144, Anna Salai,
Chennai – 600002.

..Appellant

Vs

M/s. SEW Infrastructure Ltd.,
Represented by its lead partner,
6-3-871, Snehalata, Greelnds Roads,
Begumpet, Hyderabad – 500016.

..Respondent

Prayer: Appeal is filed under Section 37(2) of the Arbitration and Conciliation Act r/w 13 of Commercial Courts Act to stay all further proceedings pertaining to arbitration in the matter of resolution of the disputes between M/s. SEW Infrastructure Ltd., and Tamilnadu Transmission Corporation Ltd (TANTRANSCO) in O.A.No. CE/TR/CE/C/SE/CII/EE/C/AEE/T.1803 and No.A. No.2662, 2663, 2664 /D.139,140, 141/15 dated 30.03.2015, dated 21.02.2023 and under the provisions of Arbitration and Conciliation Act.



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For Appellant : Mr.J.Ravindran, AAG
Assisted by M/s.M.Sneha

For Respondent : Mr K. Harishankar

JUDGMENT

(Order of the Court was made by D.KRISHNAKUMAR, J.)

Aggrieved by the rejection order passed by the tribunal in A. No.2662, 2663, 2664 /D.139,140, 141/15 dated 30.03.2015, dated 21.02.2023 and under the provisions of Arbitration and Conciliation Act, the present appeal has been filed.

2. It is the case of the appellant-corporation that the respondent had defaulted in performance of the contract despite several extension of time granted and did not complete the project, but claimed the payment due from the appellant-corporation. Hence the respondent raised the dispute before the Arbitrator Tribunal under the Arbitration and Conciliation Act.

3. At this juncture, the appellant-Corporation had filed a memo before the tribunal for marking additional documents in support of the counter claim filed by the appellant. Since the said memo was rejected by the learned Arbitrator, the present appeal has been filed



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before this Court.

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4. The contention of the learned Additional Advocate General is that no prejudice would be caused to the respondent if the said memo filed by the appellant-corporation is allowed by the tribunal.

5. Even though the learned counsel for respondent has objected the said submissions made by the learned Additional Advocate General appearing for the appellant, on instructions, the learned counsel for the respondent has submitted before this Court that the respondent has no objection for receiving the additional documents. The learned counsel for the respondent has fairly submitted before this Court that without prejudice to the rights of the respondent, the respondent has agreed to receive the additional documents.

6. In view of the statement made by the learned counsels appearing for the parties concerned and in the interest of justice, we are inclined to pass orders as follows:

- i. The impugned rejection order passed by the tribunal dated 21.02.2023 is set aside.



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ii. The appellant-corporation is permitted to file additional documents before the tribunal and the same shall be accepted by the learned arbitrator for marking additional documents.

iii. It is open to the respondent, to raise their objections for marking of documents. The learned Arbitrator shall record the objections of the respondent, if necessary and proceed with the claim petition in accordance with the law.

7. In the result, the appeal is allowed. No costs.

(D.K.K., J.)

(P.D.B., J.)

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**D.KRISHNAKUMAR, J.
AND
P. DHANABAL, J.**

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