



O.S.A.(CAD) Nos.46 and 47 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

O.S.A. (CAD) Nos.46 and 47 of 2023

JK Fenner (India) Limited,
A company incorporated under the Companies Act, 1956
Having its Registered office at
3, Madurai-Melakkal Road, Madurai,
Tamil Nadu – 625 016
And its Corporate Office at
Khivraj Complex-II,
5th Floor, Anna Salai,
Nandanam, Chennai
Tamil Nadu – 600 035.

.. Appellant

Vs

1.Bosch Global Software Technologies Pvt. Ltd.,
(Formerly known as Robert Bosch Engineering
and Business Solutions Pvt. Ltd.)
rep. by its Authorized Representative
Power of Attorney Holder Prahalad Woodi,
Having its registered office at
No.123, Industrial Layour, Hosur Road,
Koramangala, Bengaluru,
Karnataka-560 095.



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2. Deutsche Bank,
Raheja Towers,
West Wing,
M.G. Road, Bengaluru-560 001
rep. by its Branch Manager.

.. Respondents

Prayer: Appeals filed under under Section 13(1)A) of the Commercial Courts Act, 2015 read with Section 37(1)(b) of the Arbitration and Conciliation Act, 1996 against the common order dated 30.3.2023 passed in O.A.Nos.94 and 95 of 2023.

For the Appellant : Mr.P.S.Raman
Senior Counsel
for Mr.S.Arjun Suresh

For the Respondents : Mr.Satish Parasaran
Senior Counsel
for Mr.Thriyambak J.Kannan
for first respondent

COMMON JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

These appeals have been filed by the appellant against the common order of the learned Single Judge dated 30.03.2023 passed in O.A.Nos.94 and 95 of 2023.



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2. Today, when the appeals are taken up for hearing, both Mr.P.S.Raman, learned senior counsel appearing for the appellant, and Mr.Satish Parasaran, learned senior counsel appearing for the first respondent, jointly submitted that they have appointed their respective Arbitrators, namely Hon'ble Mr.Justice K.Govindarajan, a retired Judge of this Court (on the side of the appellant), and Mr.Pradip Sancheti, Senior Advocate from Mumbai (on the side of the first respondent), and the Presiding Arbitrator has to be appointed by the two Arbitrators already appointed.

3. Since the appellant and the first respondent appointed their respective Arbitrators to resolve the disputes, we are of the view that it is for the Arbitral Tribunal to consider the case of the respective parties by treating the Original Applications as applications under Section 17 of the Arbitration and Conciliation Act, 1996 and consider the same on merits and in accordance with law. The learned Single Judge himself has restricted the interim order only upto the first meeting of the Tribunal.



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4. It is needless to mention that the Arbitral Tribunal shall consider the case of the appellant and the respondents on merits and in accordance with law, without being influenced by any of the observations made by the learned Single Judge in the order dated 30.03.2023 in O.A.Nos.94 and 95 of 2023.

5. Accordingly, the original side appeals are disposed of. There will be no order as to costs. Consequently, C.M.P.Nos.9373 and 9380 of 2023 are closed.

(T.R., ACJ.) (D.B.C., J.)
21.04.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:

The Sub Assistant Registrar
Original Side
High Court, Madras.



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T.RAJA, ACJ
AND
D.BHARATHA CHAKRAVARTHY, J.

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