



WEB COPY

**O.A.No.587 of 2023
and
A.No.3977 of 2023**

ABDUL QUDDHOSE.J.,

Larsen and Toubro Limited

... Applicant

Vs.

Nxtra Data Limited

... Respondent

A memo dated 22.08.2023 has been filed by the learned counsel for the applicant in O.A.No.587 of 2023. The said memo is taken on record. The applicant is having the benefit of interim injunction in O.A.No.587 of 2023 till date. The respondent has raised a preliminary issue of jurisdiction of this Court to entertain this application. According to the respondent, only the Bombay Courts will have the jurisdiction, as per the arbitration clause available in the subject matter of the dispute viz., the contract dated 16.07.2019. The said contention is disputed by the applicant. The applicant, as seen from the memo dated 22.08.2023, is agreeable to go before the arbitral tribunal and seek for a similar relief, provided, the interim order of injunction granted by this Court is extended. On instructions, the learned counsel for the applicant would now submit that the applicant will be



WEB COPY

satisfied, if the interim injunction granted by this Court in O.A.No.587 of 2023 is extended for a limited period of 15 days to enable the applicant to approach the arbitral tribunal, which has already been constituted, by filing an application under Section 17 of the Arbitration and Conciliation Act, seeking for a similar relief as sought for in O.A.No.587 of 2023.

2. The learned counsel for the respondent has also obtained instructions from his client, agreeable to the submissions made by the learned counsel for the applicant and he is also agreeable for this Court to extend the interim order of injunction granted by this Court earlier in O.A.No.587 of 2023 for a limited period of 15 days, provided the respondent is granted liberty to raise all objections available to them under law, including the issue of jurisdiction, raised by the respondent before this Court in this application, as and when an application is filed under Section 17 of the Arbitration and Conciliation Act, 1996, by the applicant, pursuant to the orders passed by this Court today.

3. After recording the memo dated 22.08.2023, filed by the learned counsel for the applicant in O.A.No.587 of 2023, as well as, after hearing



the submissions of both the counsels, this Court issues the following directions:

WEB COPY

a) O.A.No.587 of 2023 is disposed of, by extending the interim order of injunction granted by this Court in O.A.No.587 of 2023 on 30.06.2023 for a limited period of 15 days from the date of receipt of a copy of this order and the applicant is granted liberty to file a fresh application before the arbitral tribunal under Section 17 of the Arbitration and Conciliation Act, seeking for a similar relief as sought for in O.A.No.587 of 2023 and the respondent is also granted liberty to raise all objections available to them under law in the Section 17 application to be filed by the applicant;

b) The jurisdiction issue, as to whether Mumbai is the seat of arbitration or Chennai, is left open;

c) On the expiry of the period of 15 days from the date of receipt of a copy of this order and if no application under Section 17 of the Arbitration and Conciliation Act, seeking for similar relief, is filed by the applicant before the arbitral tribunal, the respondent is at liberty to invoke the bank guarantee, which is the subject matter of this application.



4. With the aforementioned directions, this application is disposed of.

No Costs. Consequently, the connected application in A.No.3977 of 2023 is closed.

20.09.2023

ab

Note: Issue Order Copy on 21.09.2023.



WEB COPY



ABDUL QUDDHOSE.J.,

ab

**O.A.No.587 of 2023
and
A.No.3977 of 2023**

20.09.2023