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Rev. Appl. No.200 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Rev. Appl. No.200 of 2021 in C.M.A. No.2492 of 2011

M/s.Kwality Spinning Mills Pvt. Ltd.,
rep. by its Managing Director

.. Applicant

Versus

1.The Cotton Corporation of India Ltd.

2.B.Kali

.. Respondents

Prayer: Application filed under Section 114 read with Order XLVII Rule 1 of Code of Civil Procedure as against the fair and decretal order dated 20.09.2021 made in C.M.A. No.2492 of 2011 on the file of this Court.

For Applicant : Mr.T.S.Baskaran

For Respondents : Mr.Anirudh Krishnan

ORDER

This Review Application has been filed to review the order dated 20.09.2021 passed by this Court in C.M.A. No.2492 of 2011 under Section 37 of the Arbitration and Conciliation Act, 1996 on the ground that even though the contract stipulated a rate of interest, the Arbitrator



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has erroneously directed the applicant to pay an excessive interest at the rate of 18% per annum.

2. Admittedly, the ground raised in this Review Application was never raised by the applicant in the Arbitration Original Petition filed by them under Section 34 of the Arbitration and Conciliation Act before the I Additional District Judge, Coimbatore in A.O.P. No.376 of 2005 or before this Court while this Court was deciding the appeal filed under Section 37 of the Arbitration and Conciliation Act in C.M.A. No.2492 of 2011. Only for the first time in this Review Application, the contention regarding awarding of excessive interest by the Arbitrator is raised.

3. It is a settled law as laid down by various decisions of this Court as well as by the Hon'ble Supreme Court that while deciding an Appeal under Section 37 of the Arbitration and Conciliation Act, there is no power for this Court to modify the Arbitral Award. Further, the contention with regard to the levy of interest has been raised by the applicant only for the first time in this Review Application. Therefore, unless and until this contention was raised by the applicant either in the Section 34 Petition



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or in the Section 37 Appeal, there was no necessity for both the Courts to adjudicate the said contention.

4.At this stage that too in the Review Application, the contention of the applicant cannot be entertained by this Court. There is no error apparent on the face of the order dated 20.09.2021 passed by this Court in C.M.A. No.2492 of 2011. Therefore, there is no merit in this Review Application. Accordingly, this Review Application is dismissed.

06.10.2023

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ABDUL QUDDHOSE, J.

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