



WEB COPY



O.S.A. No.331 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR. JUSTICE P.DHANABAL

O.S.A. No.331 of 2017

M/s.India Infoline Ltd.
Trading Member
75, Nirlon Complex,
Off. Western Express Highway
Goregaon (E), Mumbai 400 063

...appellant

Vs.

1.S.B.Bhuvanendra
2. M.V.Badrinath
Presiding Arbitrator
3. R.Subramanian
Presiding Arbitrator
4. Mr.A.V.Haridasan
Arbitrator
...respondents

Prayer: Original Side Appeal filed under Section 37 of Arbitration and Conciliation Act against the order dated 02.02.2017 passed in OP.No.716 of 2009, by a learned Single Judge of this Court.

For Appellant	: Mr.G.Surya Narayanan
For Respondents	
for R1	: Mr.C.Mohan
	for M/s.Kings & Patridge



O.S.A. No.331 of 2017

for RR2 to 4

: Given up

J U D G M E N T

[Judgment of the Court was delivered by D.KRISHNAKUMAR, J]

This appeal has been filed against the order dated 02.02.2017 passed by a learned Single Judge of this Court in OP.No.716 of 2009, dated 02.02.2017.

2. It is the submission of the learned counsel appearing for the appellant that the order of the learned Single Judge in remitting the matter back is not correct, when the matter had already been decided on merits. Hence, he requested the matter to be remanded back to the learned Single Judge for fresh consideration.

3. The learned counsel appearing for the first respondent has also requested that the matter may be remanded back, however, he seeks permission to raise all his objections.

4. The legal position involved in this appeal is as to whether the learned Single Judge in allowing the OP and remitting the matter back to the Arbitrator to consider afresh, is correct.



O.S.A. No.331 of 2017

WEB COPY

5. The learned counsel for the appellant undertakes that the appellant will not execute the award till the disposal of the Original Petition. The same is recorded.

6. It is clear that under the Arbitration and Conciliation Act, the award passed by the arbitrator can be set aside but it cannot be remanded back to the Arbitrator for fresh consideration.

7. In view of the above, this Court is inclined to set aside the order of the learned Single Judge and remanded back to the learned Single Judge to consider the Original Petition afresh and adjudicate the same on the grounds raised in the present appeal including the point of limitation. Since the Original Petition is of the year 2009, the learned Single Judge shall dispose the Original Petition at the earliest.

8. With the above observations, the appeal stands disposed of.

[D.K.K., J] [P.D.B., J]
07.12.2023

Index : Yes / No
Speaking order: Yes/No
pvs



WEB COPY



O.S.A. No.331 of 2017

D.KRISHNAKUMAR, J.
and
P.DHANABAL, J.

pvs

O.S.A. No.331 of 2017

07.12.2023