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*O.S.A. Nos. 179 & 267 of 2020
&
C.M.P. No.9057 of 2020
in
O.S.A. No. 179 of 2020*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2024

CORAM

THE HON'BLE MR. JUSTICE M. SUNDAR

AND

THE HON'BLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

O.S.A. Nos. 179 & 267 of 2020

&

C.M.P. No.9057 of 2020

in

O.S.A. No. 179 of 2020

O.S.A. No. 179 of 2020

M/s. Neyveli Lignite Corporation,
(Presently known as M/s.NLC India Limited),
Neyveli House, No. 135,
Periyar EVK High Road,
Kilpauk, Chennai – 600 010,
Presently at First Floor, No.8,
Mayor Sathyamurthy road,
FSD, Egmore Complex of Food Corporation
of India,
Chennai – 600 031.

..Appellant

Vs.



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*O.S.A. Nos. 179 & 267 of 2020
&
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in
O.S.A. No. 179 of 2020*

1. M/s.J.K. Fenner (India) Limited,
Formerly known as Fenner India Limited,
Having its Corporate Office at
5th Floor, Khivraj Complex – II,
No.480, Anna Salai, Nandanam,
Chennai – 600 035 represented by
Mr.R. Krishnan Vice President (F&A)
2. Hon'ble Mr.Justice S. Ranganathan (Retd.)
Presiding Arbitrator,
Former Judge, Supreme Court of India,
New No.42, Old No. 32,
Bhaktavatsalam Road, Mylapore,
Chennai 600 004.
3. Hon'ble Mr.Justice B.P. Jeevan Reddy (Retd.)
Arbitrator,
Former Judge, Supreme Court of India,
Plot No. 301, Road No. 25,
Jubilee Hills, HSG Society,
Opp. To Obul Reddy Public School,
Hyderabad 500 033.
4. Hon'ble Mr. Justice K. Govindarajan (Retd.)
Arbitrator,
Former Judge, Madras High Court,
Malaviya Avenue,
Shastri Nagar, Chennai 600 041.

..Respondents



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*O.S.A. Nos. 179 & 267 of 2020
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Prayer: Original Side Appeal under Section XXXVI Rule 1 of Original
Side Rules r/w Clause 15 of the Letters Patent as against the order dated
20.05.2020 passed in Arb.O.P. No. 252 of 2014.

For Appellant :: Mr.N. Nithianandam

For Respondents :: Ms. R.S. Pornima for
Ms. Preeti Mohan for R1

O.S.A. No. 267 of 2020

M/s.J.K. Fenner (India) Limited,
Formerly known as Fenner (India) Limited,
Having its Corporate Office at
5th Floor, Khivraj Complex – 11,
No.480, Anna Salai, Nandanam,
Chennai – 600 035
represented by Mr.R. Vijayaraghavan
Company Secretary

..Appellant

Vs.

M/s. Neyveli Lignite Corporation,
Neyveli House,
135, Periyar EVK High Road,
Kilpauk, Chennai 600 010.

..Respondent

Prayer: Original Side Appeal under Section XXXVI Rule 1 of Original
Side Rules r/w Clause 15 of the Letters Patent as against the order dated
20.05.2020 passed in Arb.O.P. No. 252 of 2014.



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J U D G M E N T

(Delivered by M. SUNDAR,J.)

This common order will now give a quietus to the captioned two 'Original Side Appeals' ('O.S.As' in plural and 'O.S.A' in singular for the sake of brevity) and the captioned C.M.P. in one of the captioned O.S.As.

2. Both captioned O.S.As are statutory appeals under Section 37 of 'The Arbitration and Conciliation Act, 1996' ('A & C Act' for the sake of brevity). Both O.S.As are directed against an order dated 20.05.2020 made in O.P. No. 252 of 2014 by a Section 34 Court. While O.S.A. No. 179 of 2020 has been preferred by 'Neyveli Lignite Corporation' ('NLC' for the sake of brevity) i.e., contesting respondent before Section 34 Court, O.S.A. No. 267 of 2020 has been preferred by J.K. FENNER (INDIA) LIMITED, which was the petitioner before Section 34 Court.

3. Today, Mr.N. Nithianandam, learned counsel for NLC and Ms. R.S. Pornima, learned counsel appearing on behalf of Ms. Preeti



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Mohan, learned counsel for J.K. FENNER (INDIA) LIMITED are before us.

While Mr.N. Nithianandam, learned counsel for NLC is before us in the Physical Court, Ms.R.S. Pornima, learned counsel for 1st respondent is before us on 'VC' (Video Conferencing) platform. To be noted, this is a hybrid hearing which is a regular/routine/daily feature in this Court.

4. It may not be necessary to dilate further on facts or other aspects of the matter as both aforementioned learned counsel submit that J.K. FENNER (INDIA) LIMITED, which is the contractor has resorted to *Vivadh Se Vishwas II (Contractual Disputes) Scheme* as regards that claim of the contractor which was negated. Both counsel also submit that settlement offer has been accepted and J.K.FENNER (INDIA) LIMITED has now been given time for withdrawal of the case so that settlement can be carried to its logical end as NLC has accepted the claim of J.K. FENNER (INDIA) LIMITED.



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5. Learned counsel for NLC has placed before us an office memorandum issued by the Ministry of Finance, Government of India, dated 29.05.2023 qua *Vivadh Se Vishwas II (Contractual Disputes) Scheme* and both sides submit that it is in step 4 of the Scheme.

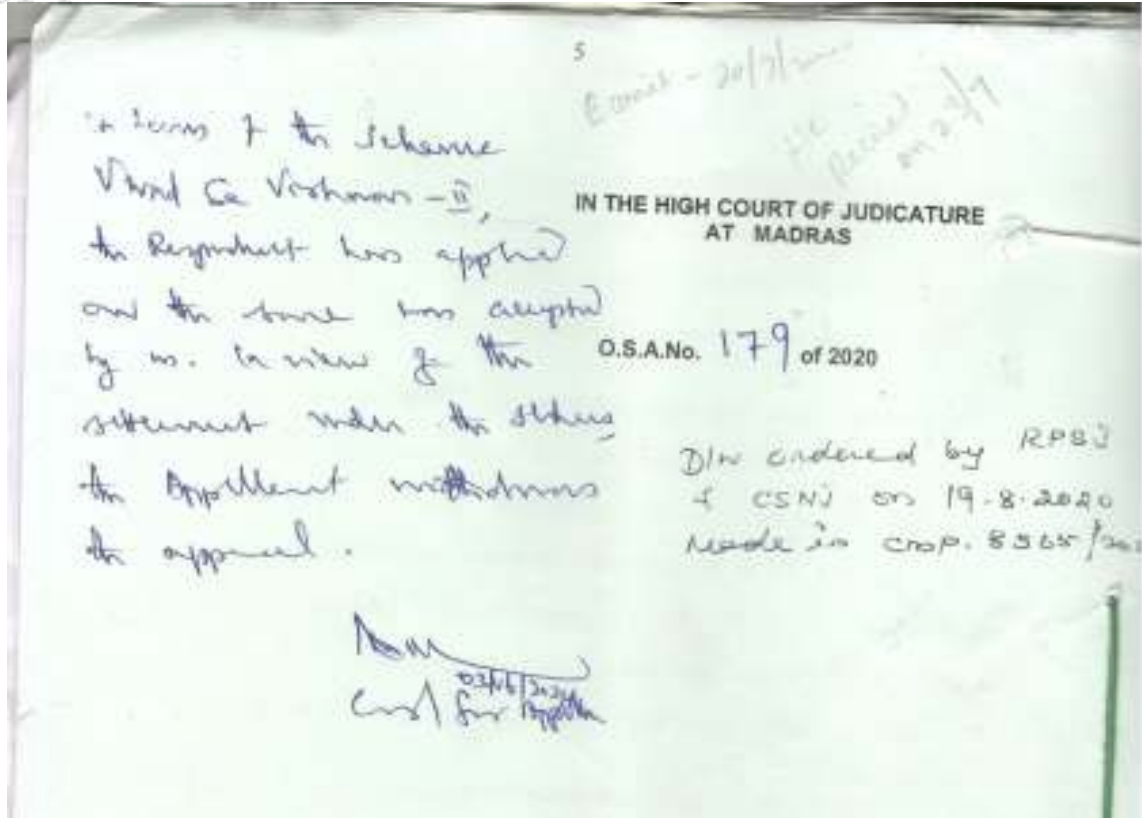
6. In the aforesaid backdrop, learned counsel for Contractor namely, J.K. FENNER (INDIA) LIMITED submitted that she has instructions to withdraw O.S.A. No. 267 of 2020 so that settlement can be carried to its logical end. This submission is recorded.

7. In the light of the above submission, learned counsel for NLC has also withdrawn O.S.A. of NLC i.e, O.S.A No. 179 of 2020 and C.M.P. thereat. Learned counsel for NLC has made endorsements in the case file and a scanned reproduction of the endorsements is as hereunder:



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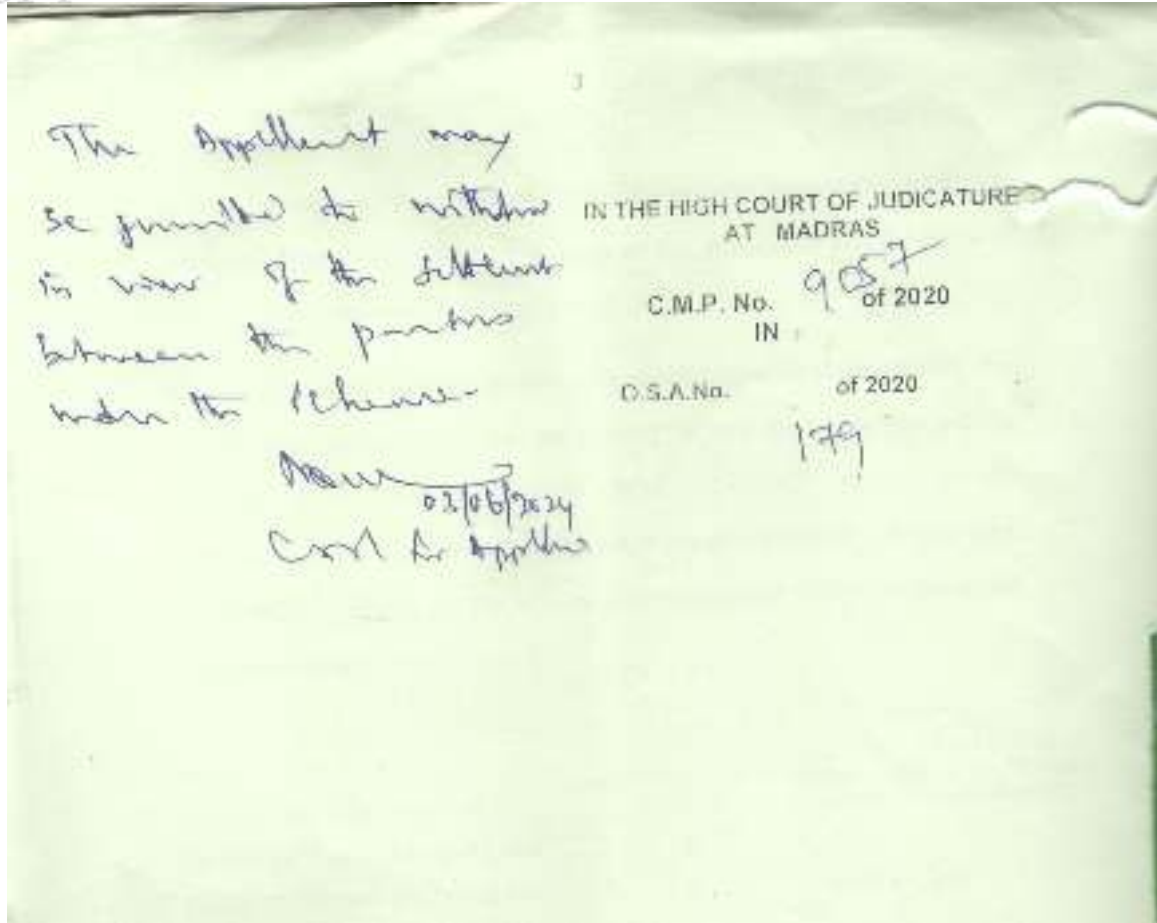
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8. We make it clear that the claim of contractor which has been admitted by NLC shall be concluded by carrying it to its logical end as expeditiously as possible within indicated timelines in *Vivadh Se Vishwas II (Contractual Disputes) Scheme*.



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9. Captioned O.S.As and captioned C.M.P. are disposed of as closed in the aforesaid manner. Though obvious, we make it clear that we have not expressed any view or opinion on the merits of the matter. There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)
03.06.2024

nv

P.S.I: Upload forthwith

P.S.II: All concerned including the Registry of Madras High Court to act forthwith on the uploaded soft copy of this proceedings as uploaded in the official website of this Court. To be noted, the soft copies uploaded in the official website of this Court are water marked, besides being QR coded.

M. SUNDAR,J.



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