



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Thursday, the Fifth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

CMP(MD). No.17390 of 2024

IN

CRP(MD).1393 OF 2024

M/s.NLC Tamil Nadu Power Ltd.,
Represented by its Executive Director,
Planning and Contracts, Neyveli House 135
Periyar Evr Road, Kilpauk,
Chennai

... Petitioner/Revision Petitioner

Vs

1 M/s.Tecton Engineering and
Construction L.L.C Represented by its
Authorised Representative Samuel Raj
Gnanlah Having its Registered Office at P.O.,
Box 6039 Ajman U.A.E. and A

2 Bank of Baroda
Through its Chief Manager Mount Road,
Branch 150-A Pb No.2246 Mount Road,
Chennai - 600 002.

... Respondents/Respondents

Prayer in Civil Miscellaneous Petition in Civil Revision Petition:-

This Civil Miscellaneous Petition filed Under Section 151 of Civil procedure Code to grant an order of direction, directing the respondents to keep alive the bank guarantees of Rs.13,52,70,609/- and USD 150,879/- till the disposal of the Arbitration OP Under AR.OP.No.149 of 2024 and pass such further or other orders as this Honourable Court may deem fit and necessary to the facts and circumstances of the case.

Prayer in Civil Revision Petition:-

This Civil Revision Petition filed under Article 227 of the Constitution of India,

<https://www.mhc.tn.gov.in/judis>



to set aside the order of notice passed in I.A.No.2 of 2024 in AR OP.No.149 of 2024 on the file of the learned Principal District Judge, Tuticorin dated 26.06.2024.

ORDER:- This Civil Revision Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru./Ms. Mr.K.Harishankar For K.R.Laxman, Advocate for the Petitioner and of M/s.Pravartha, Advocate for the 1st respondent and none appeared for the 2nd respondent this Court made the following order:

The present CMP is preferred by the revision petitioner for directing the respondents to keep alive the bank guarantee of Rs.13,52,709,609/- and USD 150879/- till the disposal of the Arbitration Original Petition in AR.O.P.No.149 of 2024.

2. According to the revision petitioner, the revision petitioner is the petitioner in Civil Revision Petition in CRP(MD).No.1393 of 2024 and in the main Arbitration Original Petition and also in the Interlocutory Application. The civil revision petition in CRP(MD).No.1393 of 2024 was filed against the order of notice passed in I.A.No.2 of 2024 in AR.O.P.No.149 of 2024 on the file of the Principal District Court, Tuticorin.

3. The learned counsel for the revision petitioner would submit that the petitioner herein filed the above Civil Revision Petition for setting aside the order of Notice passed in I.A.No.2 of 2024 on the file of Principal District Court, Tuticorin,



dated 26.06.2024. While so, this Court in the said revision passed the following order :

4. In view thereof, the Civil Revision Petition is disposed of on the following terms:

i) the learned Principal District Judge, Tuticorin, is requested to take up the Arbitration OP No.149 of 2024 for expeditious disposal and dispose of the same in any event not later than 30.09.2024.

ii) The Bank guarantee shall be kept alive by the respondent till 15.10.2024.

Therefore, in view of the orders passed in the said Civil Revision Petition, Bank Guarantee was extended till 15.10.2024 and since the arbitration proceedings are still pending the Bank Guarantee has to be extended in order to meet the interest of justice. He further submitted that the Arbitration OP can be adjudicated only after the Bank guarantee is kept alive. Since the said Bank Guarantee expired on 15.10.2024, again this revision was heard and in which this Court by order, dated 20.09.2024 directed the learned Principal District Judge to dispose of the said Arbitration O.P No.149 of 2024 on or before 30.11.2024 and extended the Bank Guarantee till 15.12.2024 and the same is extracted hereunder:

"4. In view thereof, the Civil Revision petition is disposed of on



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the following terms:

- I) The learned Principal District Judge, Tuticorin is requested to take up the Arbitration O.P.No.149 of 2024 for expeditious disposal and dispose of the same in any event not later than 30.11.2024.*
- ii) The Bank guarantee shall be kept alive by the respondent till 15.12.2024."*

Till date, the said Arbitration OP has not reached its finality. Therefore, the petitioner prays for further extension of Bank guarantee since the earlier extension was likely to be expired.

4. The learned counsel appearing for the respondents submitted that they have no objection for extending the Bank Guarantee.

5. Heard both sides and perused the records.

6. This Court in CRP(MD).No.1393 of 2024, by order dated 20.09.2024 directed the learned Principal District Judge, Tuticorin to dispose the Arbitration OP NO.149 of 2024 as expeditiously as possible i.e., on or before 30.11.2024 and extended the Bank Guarantee till 15.12.2024. Since the Arbitration OP is still pending, the petitioner was constrained to file the above petition for further extension of Bank Guarantee.

7. Considering the above facts and circumstances, the time which is granted

for extending the Bank guarantee is likely to be expired, this Court is inclined to



pass the following order:

- i) *The learned Principal District Judge, Tuticorin is directed to dispose the main Arbitration O.P.No.149 of 2024 on or before 05.03.2025.*
- ii) *The Bank Guarantee shall be kept alive by the respondents till 20.03.2025."*

8. This petition is ordered accordingly.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/12/2024

Sub Assistant Registrar
(CS-1/II/III/IV)

TO

The Principal District Judge,
Tuticorin.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

+1 CC TO MR.K.R.LAXMAN, ADVOCATE SR: 14972



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ORDER DATED : 05/12/2024

ORDER

**CMP(MD). No.17390 of 2024
IN
CRP(MD).1393 OF 2024**

Giving direction and etc.
as stated within.

BV (16/12/2024) 6P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.