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OA No. 6 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2025

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

OA NO. 6 of 2025

AND

ARB APPLN NO. 10 OF 2025, ARB APPLN NO. 9 OF 2025

GE Vernova T and D India Ltd
IOC Building, 19/1, GST Road, Pallavaram, Chennai
600 043

Applicant(s)

Vs

BGR Energy Systems Ltd
443, Anna Salai, Teynampet, Chennai 600 018., Having
its Registered Office at A-5, Ramapuram Post, Sullupet
Taluk, Nellore District, Andhra Pradesh 524 401. IOC
Building, 19/1, GST Road, Pallavaram, Chennai 600
043 and another

Respondent(s)

Arb Appln NO. 10 of 2025

GE Vernova T and D India Ltd
IOC Building, 19/1, GST Road, Pallavaram, Chennai
600 043

Appellant(s)

Vs

BGR Energy Systems Ltd
IOC Building, 19/1, GST Road, Pallavaram, Chennai
600 043 and another

Respondent(s)

Arb Appln NO. 9 of 2025

GE Vernova T and D India Ltd
IOC Building, 19/1, GST Road, Pallavaram, Chennai



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600 043
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Appellant(s)

Vs

BGR Energy Systems Ltd
IOC Building, 19/1, GST Road, Pallavaram, Chennai
600 043 and another

Respondent(s)

OA NO. 6 of 2025

For Applicant(s): Ms.Ashwini Vidialingam.D

For Respondent(s): Ms.Abishek Jenasenan for Rr1

Arb Appln NO. 10 of 2025

For Applicant(s): Ms.Ashwini Vidialingam.D

For Respondent(s): Ms.Abishek Jenasenan for R1

Arb Appln NO. 9 of 2025

For Applicant(s): Ms.Ashwini Vidialingam.D

For Respondent(s): Ms.Abishek Jenasenan for R1

COMMON ORDER

Both the counsels, on instructions, have made a joint endorsement in the Court bundle agreeing for appointment of the Hon'ble Justice S.Muralidhar(Retd.) Former Chief Justice of Orissa High Court, as the sole Arbitrator to adjudicate the dispute between the parties arising out of the Purchase Order dated 05.07.2018 and Letter of ward dated 30.06.2018.

2. Since both the parties to the dispute have mutually agreed for the appointment of the Hon'ble Justice S.Muralidhar, Former Chief Justice, Orissa



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High Court, to act as the sole Arbitrator, this Court is appointing The Hon'ble Justice S.Muralidhar, Former Chief Justice, Orissa High Court, residing at No.15, Sadhana Enclave, Ground Floor, Panchsheel Park, New Delhi - 110 017 (Ph.No.011-45072305) (Cell No.9872727986) as the sole arbitrator to adjudicate the dispute between the parties arising out of the Purchase Order dated 05.07.2018 and Letter of Award dated 30.06.2018.

3. Learned counsel for the first respondent, on instructions, would submit that pending final decision in the arbitration proceedings, the amounts encashed by the first respondent in respect of the Bank guarantee for a sum of Rs.23,15,897/- shall be retained by the first respondent and shall not be disbursed. Even though the learned counsel for the applicant, for the present, is satisfied with the undertaking given by the first respondent, she seeks liberty for the applicant to reserve their rights to file an application before the Arbitral Tribunal under Section 17 of the Arbitration and Conciliation Act to protect the interest of the applicant.

4. No prejudice would be caused if such a liberty is granted. Accordingly, O.A.No.6 of 2015 and Arb.Appln Nos.9 and 10 of 2025 are disposed of after recording the undertaking given by the first respondent that pending final decision in the Arbitration proceedings, the amounts negotiated by the first respondent

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from the Bank in respect of the Bank guarantee for a sum of Rs.23,15,897/- shall be retained by the first respondent and shall not be disbursed. Liberty is also granted to the applicant to file appropriate application before the Arbitrator under Section 17 of the Arbitration and Conciliation Act to protect their interest with regard to the money that has been retained by the first respondent through the encashment of the Bank Guarantee.

20.02.2025

vsi

To

1. BGR Energy Systems Ltd
443, Anna Salai, Teynampet, Chennai 600 018., Having its
Registered Office at A-5, Ramapuram Post, Sullupet Taluk,
Nellore District, Andhra Pradesh 524 401.IOC Building, 19/1,
GST Road, Pallavaram, Chennai 600 043
2. Hong Kong and Shanghai Banking Corporation Limited
No. 30, Rajaji Salai Chennai, Tamil Nadu 600 001

OA No. 6 of 2025**AND****ARB APPLN NO. 10 OF 2025
& ARB APPLN NO. 9 OF 2025**