



O.S.A. (CAD) No.131 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2025

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

O.S.A. (CAD) No.131 of 2024

and

C.M.P.No.23222 of 2024

Ion Exchange India Limited,
Rep. by its Authorized Signatory,
T.D.Srinivasan, Tiecion House,
Dr.E.Moses Road, Mahalaxmi,
Mumbai 400 011.

.. Appellant

-VS-

Angeripalayam Common Effluent
Treatment Plant Ltd.,
S.F.No.88, Garden Kanjampalayam,
Pitchampalayam, Pudur (PO),
Tirupur 641 603.

.. Respondent

Prayer: Appeal filed under Order XXXVI Rule 9 of the Madras High Court

Original Side Rules read with Section 37(1)(C) of the Arbitration and



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Conciliation Act, 1996 and Section 13(1A) of the Commercial Courts Act, 2015, to set aside the impugned order dated 04.06.2024 passed in Arb.O.P. (Comm.Div.) No.574 of 2022 and consequently, to set aside the impugned Arbitral Award dated 23.03.2022 (corrected and signed on 13.05.2022) on the file of original side of this Court.

For Appellant : Mr.Satish Parasaran
Senior Advocate
for Mr.Karthik Sundaram

For Respondent : Mr.R.Vidhya Shankar

* * * * *

JUDGMENT

(Judgment of the Court was delivered by the Hon'ble Chief Justice)

After the matter was heard for some time, parties submitted Joint Memo dated 04.04.2025 signed by the respective advocates. The same is taken on record and marked as 'X' for identification. For ease of reference, the same is also scanned and reproduced below:



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O.S.A. (CAD) No.131 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Appellate Jurisdiction)

O.S.A. (CAD) No. 131 of 2024

Against

Arb. O.P. (Comm. Div.) No. 574 of 2022

Ion Exchange India Limited

...Appellant/Petitioner

Versus

Angeripalayam Common Effluent Treatment Plant Limited

...Respondent/ Respondent

JOINT MEMO FILED ON BEHALF OF THE PARTIES

The Appellant and Respondent jointly agree and submit as follows:

1. The Parties agree that the issues as to:

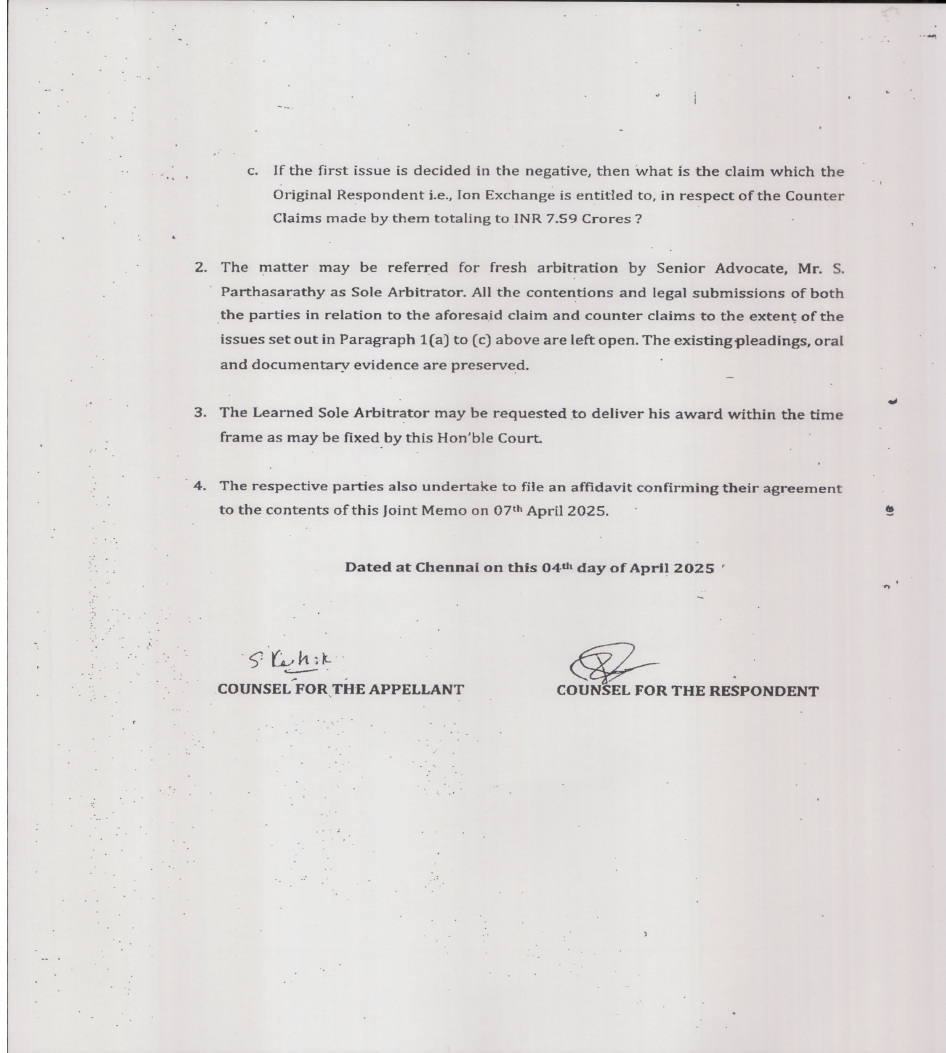
a. Limitation - Whether the notice issued by the Original Claimant in the Arbitration i.e., ACETPL under Section 21 of the A&C Act, 1996 is barred by limitation, and consequently, whether the claim for INR 24.14 Crores raised by the Original Claimant in the Arbitration i.e., ACETPL as well as the Counter Claims of the Original Respondent i.e., Ion Exchange, are barred by limitation?

b. If the first issue is decided in the negative, then what is the extent of breach by the Original Respondent i.e., Ion Exchange (and not the factum of breach itself) and what is the corresponding quantum/ amount ^{of damage} which the Original Claimant in the Arbitration/ ACETPL is entitled to as per law in relation to the only surviving claim - Claim I made by ACETPL for INR 24.14 Crores?



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2. Shri.S.Parthasarathy, Senior Advocate, having office at No.7, Ceebros, Sri Ram Dham, Jagadambal Colony, 2nd Street, Royapettah, Chennai-600014, Mob.No.: 91766 37537, is appointed as Sole Arbitrator



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to decide on the issues mentioned in the Joint Memo. The Arbitrator, as per the agreement between the parties, shall start from the stage of completion of evidence. No fresh pleadings or evidence is required to be filed. But, after the oral arguments are concluded, if the Arbitrator wishes, he may request the parties to file the written submissions for convenience.

3. The Arbitrator shall file a declaration directly with the advocates of appellant as well as respondent under Section 11(8) and 12(1) of the Arbitration and Conciliation Act, 1996 and a copy thereof be sent to the Registrar General of this Court for completion of records.

4. The fees, administrative expenses and typing charges, if any, shall be shared equally between parties and the same shall be subject to costs in the arbitral proceedings.

5. Keeping the fact in mind that this is the third round of arbitration, the Arbitrator is requested to complete the hearing and publish his award as early as possible and preferably, by 31.10.2025. If, for any reason, the



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arbitral proceedings is not concluded by that date, the Arbitrator may extend the time as he deems fit and the parties need not approach this Court for extending the time, but the arbitral proceedings will be completed keeping in mind Section 29A of the Arbitration and Conciliation Act, 1996.

6. The undertaking of the parties to file the affidavit as mentioned in para 4 of the Joint Memo is accepted.

Appeal is disposed of. There shall be no order as to costs. Consequently, the interim application stands closed.

(K.R.SHRIRAM, C.J.)

(MOHAMMED SHAFFIQ, J.)

04.04.2025

Index : Yes/No

Neutral Citation : Yes/No

sra



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To

1. The Registrar-General
Madras High Court, Chennai.
2. The Sub-Assistant Registrar,
Original Side Section,
Madras High Court, Chennai.
3. Mr.S.Parthasarathy,
Senior Advocate,
Office at No.7, Ceebros, Sri Ram Dham,
Jagadambal Colony, 2nd Street,
Royapettah, Chennai-600 014.



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The Hon'ble Chief Justice
and
Mohammed Shaffiq, J.

(sra)

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04.04.2025