

ITEM NO.59

COURT NO.11

CORRECTED  
SECTION XVI-AS U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

MA No.2743/2018 in Arbitration Case (C) No.24/2016

(Arising out of impugned final judgment and order dated 09-12-2016  
in ARBIT. CASE (C) No.24/2016 passed by the Supreme Court Of India)

M/s. TECNIMONT S.P.A. &amp; ANR.

Petitioner(s)

VERSUS

NATIONAL FERTILIZERS LTD.

Respondent(s)

(FOR ADMISSION; and, IA No.147286/2018-EXTENSION OF TIME)

Date : 30-11-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s)	Dr. A.M. Singhvi, Sr. Adv. Mr. Ciccuc Mukhopadhaya, Sr. Adv. Mr. Sanjeev K. Kapoor, Adv. Mr. Gaurav Juneja, Adv. Mr. Aayush Jain, Adv. M/s. Khaitan & Co., AOR
-------------------	---

For Respondent(s)	Mr. Divjyot Singh, Adv. Mr. Senthil Jagadeesan, Adv. Ms. Sonakshi Malhan, Adv. Ms. Mrinal Kanwar, Adv. Mr. Senthil Jagadeesan, AOR
-------------------	--

UPON hearing the counsel the Court made the following  
O R D E R

On 09.12.2016, this Court, by consent of the parties, had appointed Mr. Justice S.S. Nijjar, retired Judge of this Court as Sole Arbitrator to look into the disputes between the parties.

It appears that after expiry of period, within which the Arbitral proceedings were to be concluded, the petitioners approached the High Court seeking extension of time in terms of Section 29A of the Arbitration & Conciliation Act, 1996 by filing OMP No.260 of 2018. However, said application was disposed of by the High Court on 23.10.2018 in terms of the following order:

"1. I am informed by the counsel for the petitioner that the application for extension of time has been filed with the Supreme Court, in view of the fact that the Arbitrator was appointed by the said Court based on a Section 11 petition filed in that behalf.

2. In these circumstances, the captioned petition is disposed of, as a parallel application for the same relief cannot be maintained in this Court.

3. Consequently, pending application shall stand closed."

The present petition prays for following reliefs:

"a). allow the present application and extend the time for completion of arbitration proceedings and passing of arbitral award by a further period of one year up to 16.06.2019 or any other period as may be deemed appropriate by the Hon'ble Court;"

Dr. A.M. Singhvi, learned counsel for the petitioners submits that the petitioners be allowed to withdraw the present petition and renew the request as was made originally before the High Court in OMP (Misc.)(Comm.) No.260 of 2018.

Since the petitioners are withdrawing the present petition, and would now be approaching the High Court, by consent of the parties, we set aside the order dated 23.10.2018 and restore the OMP (Misc.)(Comm.) No.260 of 2018 to the file of the High Court.

Let the parties appear before the High Court on 14.12.2018.

It is made clear that we have not expressed any opinion on the merits or demerits of the matter nor have we dealt with any allegation/counter allegation made by the parties.

**(MUKESH KUMAR)**  
**COURT MASTER**

**(SUMAN JAIN)**  
**BRANCH OFFICER**