

ITEM NO.62

COURT NO.5

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 25676/2016

(Arising out of impugned final judgment and order dated 20-07-2016
in Order No. 8 passed by the Arbitral Tribunal)

KALPATARU POWER TRANSMISSION LTD.

Petitioner(s)

VERSUS

HPCL MITTAL PIPELINES LTD.

Respondent(s)

IA No. 137429/2017 - CLARIFICATION/DIRECTION

WITH

SLP(C) No. 14751/2017 (XVII)

Date : 23-08-2019 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
Mr. Mukul Rohatgi, Sr. Adv.
Mr. Amar Dave, Adv.
Ms. Sneha Jaisingh, Adv.
Ms. Akanksha Banerjee, Adv.
Mr. Marezban P. Bharucha, AOR

For Respondent(s) Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Nakul Dewan, Sr. Adv.
Mr. Kartik Nayar, Adv.
Mr. Mohit Paul, AOR
Mr. Avishkar Singhvi, Adv.
Mr. Rishab Kumar, Adv.
Mr. Sarthak Malhotra, Adv.
Ms. Sunaina Phul, Adv.

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

Having heard learned Senior Counsel appearing for the parties,
we are of the view that the mandate of both the Arbitral Tribunals
that have been constituted in this case have come to an end by
virtue of this order.

We appoint Mr. Justice R.M. Lodha, Retd. Chief Justice of this Court as Chairman of the Tribunal, together with Mr. Justice A.K. Sikri, Retd. Judge of this Court and Mr. Justice Mukul Mudgal, Retd. Chief Justice of the Punjab & Haryana High Court to decide all the disputes that arise between the parties.

Mr. Kapil Sibal and Mr. Mukul Rohatgi, learned Senior Counsels vehemently object to a counter claim which was raised by Dr. Singhvi's client and state that, in law, such counter claim cannot now be countenanced. Dr. Singhvi stoutly resists this.

We reiterate that all disputes that arise between the parties will be decided by this Tribunal in accordance with law.

We make it clear that the arbitration will be conducted under the Arbitration and Conciliation Act, 1996 as amended.

The Special Leave Petitions stand disposed of accordingly.

Pending applications, if any, also stand disposed of.

(R. NATARAJAN)
COURT MASTER (SH)

(RENU DIWAN)
ASSISTANT REGISTRAR