

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Miscellaneous Application No(s). 1473/2020

in

Civil Appeal No.2747/2020

STATE TRADING CORPORATION OF INDIA LTD. Appellant(s)

VERSUS

JINDAL STEEL AND POWER LIMITED & ORS. Respondent(s)

O R D E R

While disposing of C.A. No.2747 of 2020, this Court made the following observations:

“(i) First respondent is at liberty to file necessary applicatin before the Indian Council of Arbitration for initiation of the arbitration as prayed within seven days from today. At this stage, Mr. Gopal Jian, learned Senior Counsel appearing for the first respondent, has submitted that the first respondent has already paid the requisite fee before the ICA. If that be so, the same may be treated as the requisite fees as per the ICA Rules of Arbitration. The appellant-STC shall also deposit the fees as required under ICA Rules of Arbitration. ICA thereafter may proceed and take appropriate action in accordance with ICA Rules of Arbitration.

(ii) Considering the facts and circumstances of the case, we direct the first respondent-Jindal Steel and Power Limited to renew the Performance Bank Guarantees for a further period of two months from 22.07.2020. If any further order is required, both the parties are at liberty to seek appropriate relief before the Arbitral Tribunal in accordance with ICA Rules of Arbitration.

(iii) Mr. Gopal Jain, learned Senior Counsel appearing for the first respondent, sought for direction to the arbitral Tribunal to expedite the hearing of the matter. As per Clause 19 of the Agreement, the parties are yet to approach the Indian Counsel of Arbitration. In such view

of the matter, as and when Arbitral Tribunal is constituted, both the parties are at liberty to make a request to the Arbitral Tribunal for expeditious hearing of the matter."

Present application has been filed on behalf of Jindal Steel and Power Limited submitting inter alia that appropriate steps have not been taken by the appellant i.e. State Trading Corporation of India Ltd. and that the matter before the Indian Council of Arbitration is not proceeding further. It is also submitted that the applicant is obliged to keep Performance Bank Gurantees alive which in turn is causing prejudice to the applicant. In the premises, this application seeks following reliefs:

"a) allow the present application and direct the Indian Council of Arbitration to appoint an arbitral panel in accordance with the ICA Rules of Arbitration within a period of seven(7) days.

(b) direct the completion of the arbitral proceedings in a time bound and expeditious manner, and in any case within a period of two (2) months.

(c) impose appropriate costs on the Appellant for adopting delaying tactics and deliberately defying the order dated July 14, 2020 passed by this Hon'ble Court.

(d) pass a direction to release the amount deposited under the PBGs to the Applicant/JSPL subject to filing an undertaking to the satisfaction of this Hon'ble Court.

Mr. R. Verma, learned Advocate for the State Trading Corporation of India Ltd. has vehemently opposed the submissions made in the application and submitted that his client is more than willing to participate in the proceedings and has always been taking immediate steps to complete the process.

Since both sides agree that the dispute between them needs

immediate resolution, without going into the issue which party is causing delay by not taking appropriate and adequate steps, in our view following directions will meet ends of justice:-

(1) Prayer (a) is required to be accepted. We therefore, direct Indian Council of Arbitration to appoint the Arbitral panel in accordance with the ICA Rules of Arbitration within seven days from the receipt of this order.

(2) In so far as prayer (b) is concerned, consistent with Rule 63, we direct the completion of arbitral proceedings in six months.

(3) We do not deem it appropriate to grant relief prayed for in prayer (c) which therefore, stands rejected.

(4) With regard to prayer (d) is concerned, Mr. Gopal Jain, learned Senior Advocate applicant submits that appropriate request shall be made before the Arbitral Tribunal. In the circumstances, prayer (d) does not call for any discussion.

The present application stands disposed of in aforesaid terms.

Let copy of this order be communicated to the Indian Council of Arbitration immediately.

.J.
[UDAY UMESH LALIT]

.J.
[AJAY RASTOGI]

New Delhi
September 10, 2020,

ITEM NO.7 Court 4 (Video Conferencing) SECTION XIV-A

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

Miscellaneous Application No(s). 1473/2020 in C.A. No. 2747/2020

STATE TRADING CORPORATION OF INDIA LTD. Petitioner(s)

VERSUS

JINDAL STEEL AND POWER LIMITED & ORS. Respondent(s)

(IA No. 76796/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 76797/2020 - EXEMPTION FROM FILING AFFIDAVIT)

Date : 10-09-2020 These matters were called on for hearing today.
CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s) Mr. Tarkeshwar Nath, Adv.
 Mr. Harshit Singh, Adv.
 Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s) Mr. Gopal Jain, Sr.Adv.
 Ms. Gauri Rasgotra, Adv.
 Mr. Sumit Attri, Adv.
 Mr. George Varghese, Adv.
 Ms. Nikitha Shenoy, Adv.
 Mr. Siddhant Sharma, Adv.
 M/S. Cyril Amarchand Mangaldas, AOR

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

The application is disposed of in terms of the signed order.

Let copy of this order be communicated to the Indian Council
of Arbitration immediately.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(PRADEEP KUMAR)
BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)