

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
Arbitration Petition No 26 of 2019

Aravali Power Company Private Limited

.... Petitioner(s)

Versus

Reliance Infrastructure Limited & Anr

....Respondent(s)

ORDER

- 1 The petition has been instituted under Section 11(6) read with Sections 11(9) and 11(12)(a) of the Arbitration and Conciliation Act 1996 (as amended in 2016).
- 2 The second respondent has been duly served. In its order dated 15 January 2020, the Court noted that though the second respondent was served on three occasions in the past, it has not yet entered appearance. Hence, the proceedings were directed to stand over for four weeks to enable the second respondent to appear. A copy of the order was to be communicated to the second respondent. Though proceedings have been taken up on 22 July 2021, 25 August 2021, 16 September 2021 and 23 September 2021, there is no appearance on behalf of the second respondent.
- 3 Mr Krishnan Venugopal, Senior Counsel, appears on behalf of the petitioner. Mr Gopal Jain and Mr Gopal Sankaranarayanan, Senior Counsel, with Mr Tanmaya Mehta, appear for the first respondent.
- 4 By consent, the disputes between the parties, as set out in the notice invoking arbitration dated 3 May 2019, are referred to arbitration.

5 By consent, the Arbitral Tribunal shall consist of the following arbitrators:

- (i) Mr Justice T S Thakur, former Chief Justice of India;
- (ii) Mr Justice S J Mukhopadhaya, former Judge of the Supreme Court of India;
and
- (iii) Mr Justice Madan B Lokur, former Judge of the Supreme Court of India.

6 The Arbitration Petition is accordingly disposed of.

7 Pending application, if any, stands disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Vikram Nath]

.....J.
[B V Nagarathna]

New Delhi;
September 28, 2021
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ITEM NO.1 Court 4 (Video Conferencing) SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Arbitration Petition No. 26 of 2019

ARAVALI POWER COMPANY PRIVATE LIMITED Petitioner(s)

VERSUS

RELIANCE INFRASTRUCTURE LIMITED & ANR. Respondent(s)

(WITH IA No. 101515/2019 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT, IA No. 63641/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 63638/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 13248/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 103098/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 28-09-2021 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. Krishnan Venugopal, Sr.Adv.
Mr. Adarsh Tripathi, Adv.
Mr. Ajitesh Garg, Adv.
Mr. Gaurav Srivastava, AOR
Mr. Vikram Singh Baid, Adv.

For Respondent(s) Mr. Gopal Jain, Sr.Adv.
(R-1) Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Tanmaya Mehta, Adv.
Mr. Hasan Murtaza, AOR
Ms. Jhanvi Dubey, Adv.
Mr. Shashank Agrawal, Adv.
Mr. Alok Kumar, Adv.
Mr. Aditya Panda, Adv.

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

1 In terms of the signed reportable order, the Arbitral Tribunal shall consist of the following arbitrators:

- (i) Mr Justice T S Thakur, former Chief Justice of India;
 - (ii) Mr Justice S J Mukhopadhaya, former Judge of the Supreme Court of India;
and
 - (iii) Mr Justice Madan B Lokur, former Judge of the Supreme Court of India.
- 2 The Arbitration Petition is disposed of in terms of the signed order.
- 3 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)