

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). 5011/2017

(Arising out of impugned final judgment and order dated 24-10-2016 in OP No. 677/2013 passed by the High Court Of Judicature At Madras)

NIMBUS COMMUNICATIONS LTD. THROUGH AUTHORIZED REPRESENTATIVE
Petitioner(s)

VERSUS

BOARD OF CONTROL FOR CRICKET IN INDIA THROUGH SECRETARY
Respondent(s)

Date : 29-03-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) M/S. Lex Regis Law Offices, AOR
Mr. Nirnimesh Dube, Adv.
Mr. Ankur S. Kulkarni, Adv.
Mr. Susheel Joseph Cyriac, Adv.
Ms. Uditha Chakravarthy, Adv.

For Respondent(s) M/S. Cyril Amarchand Mangaldas Aor, AOR
Mr. Vikash Kumar Jha, Adv.
Ms. Varalika Dev, Adv.

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

The present petition challenges an order of the Madras High Court which had rejected the application under Section 11 (6) of the Arbitration and Conciliation Act, 1966. The petitioner had earlier approached the Bombay High Court in respect of the same cause of action but chosen to withdraw the application and later moved the Madras High Court. The Madras High Court rejected the petition, saying it lacked jurisdiction to appoint an arbitrator. (Paragraph 14 of the agreement dated 02.06.2007 between the parties (addendum to the Media Rights Agreement dated 28.02.2006) reads as

follows:

This Addendum will be construed in accordance with Indian Law and Court at Mumbai shall have exclusive jurisdiction. In the event of any dispute arising under this Addendum Agreement, the parties shall submit to binding arbitration in Mumbai in accordance with the rules and regulations of the of the Indian Arbitration & Conciliation Act 1996. Any dispute will be heard before a sole arbitrator to be appointed by mutual agreement of the parties or, failing such agreement, by the Mumbai High Court."

During the pendency of the present petition, it appears that the petitioner wrote to the respondent board and agreed that it would pay the latter i.e. the respondent sum of Rs. 5.5 crores as full and final settlement of all payments due under the underlying agreement (which was amended through the addendum).

Subsequently, the parties also agitated their disputes under the later Media Rights License Agreement dated 15.10.2009. The arbitral tribunal, on 30.03.2017 rendered its award which is presently under challenge before the Bombay High Court (which is the subject matter of challenge being Commercial Arbitration Petition No. 356/2017). This Court has also been informed that the petitioner is presently under liquidation.

This Court is of view that the dispute which formed the subject matter of the present proceeding - when it was originally instituted, has been rendered academic.

The special leave petition is accordingly disposed of.

Pending applications, if any, are disposed of.

(HARSHITA UPPAL)
SENIOR PERSONAL ASSISTANT

(MATHEW ABRAHAM)
COURT MASTER (NSH)