

the Respondents from invoking, or attempting to invoke, the Performance Bank Guarantees furnished by the petitioner under the Agreement dated 20.08.2003.

The District Court vide Order dated 06.07.2018 rejected the application on the ground of maintainability since the arbitral proceedings had commenced. The High Court of Orissa, Cuttack vide order dated 15.03.2019 confirmed the order of the District Court. In the meanwhile, the State Bank of India on 12.11.2014 encashed 3½ Bank Guarantees furnished by the petitioner-Company. With respect to the remaining Bank Guarantees, the respondent No.2 has filed OS No.8853 of 2017 before the City Civil Court, Bengaluru. The courts below have rightly held that the Application under Section 9 could not be entertained during the subsistence of the arbitral proceedings.

We have been informed by the learned Senior Counsel appearing for both the parties that the arbitration hearings have been concluded on 09.05.2019, and the tribunal has reserved the matter for passing the final award.

The SLPs are accordingly dismissed as being without merit.

(RACHNA)
SENIOR PERSONAL ASSISTANT

(SUNIL KUMAR RAJVANSHI)
BRANCH OFFICER

ITEM NO.3

COURT NO.16

SECTION XI-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

Petition for Special Leave to Appeal (C) Nos.2107-2108/2020

(Arising out of impugned final judgment and order dated 15-03-2019 in ARBA No. 42/2018 19-07-2019 in IA No. 31/2019 passed by the High Court Of Orissa At Cuttack)

SEPCO ELECTRIC POWER CONSTRUCTION CORPORATION Petitioner(s)

VERSUS

GMR KAMALANGA ENERGY LIMITED & ANR. Respondent(s)

(FOR ADMISSION and I.R. and IA No.146738/2019-CONDONATION OF DELAY IN FILING)

Date : 20-01-2020 These petitions were called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDU MALHOTRA
 HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s) Mr. Dushyant Dave, Sr. Adv.
 Ms. Geeta Luthra, Sr. Adv.
 Mr. P. Hazarika, Adv.
 Mr. Aruj Dhingra, Adv.
 Mr. Umesh Kumar Khaitan, AOR
 Mr. Altamish Siddiki, Adv.
 Mr. Tushar Kochhar, Adv.
 Ms. Sarah Haque, Adv.
 Mr. Varun Dewan, Adv.

For Respondent(s) Mr. Mukul Rohatgi, Sr. Adv.
 Ms. Anuradha Dutt, Adv.
 Ms. Fereshte D. Sethna, Adv.
 Mr. Jeremy Lynn Chagas Pereira, Adv.
 Mr. Ayush Dhawan, Adv.
 Mr. Harris Fazili, Adv.
 Mr. Chaitanya Kaushik, Adv.
 Mr. Shobhit Ahuja, Adv.
 Ms. B. Vijayalakshmi Menon, AOR

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

The present SLPs arise out of an application filed under Section 9 before the District Court for restraining and injuncting the Respondents from invoking, or attempting to invoke, the

Performance Bank Guarantees furnished by the petitioner under the Agreement dated 20.08.2003.

The District Court vide Order dated 06.07.2018 rejected the application on the ground of maintainability since the arbitral proceedings had commenced. The High Court of Orissa, Cuttack vide order dated 15.03.2019 confirmed the order of the District Court. In the meanwhile, the State Bank of India on 12.11.2014 encashed 3½ Bank Guarantees furnished by the petitioner-Company. With respect to the remaining Bank Guarantees, the petitioner has filed OS No.8853 of 2017 before the City Civil Court, Bengaluru. The courts below have rightly held that the Application under Section 9 could not be entertained during the subsistence of the arbitral proceedings.

We have been informed by the learned Senior Counsel appearing for both the parties that the arbitration hearings have been concluded on 09.05.2019, and the tribunal has reserved the matter for passing the final award.

The SLPs are accordingly dismissed as being without merit.

(RACHNA)
SENIOR PERSONAL ASSISTANT

(SUNIL KUMAR RAJVANSHI)
BRANCH OFFICER