

ITEM NO.6

COURT NO.12

SECTION XII

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). 28934/2017

(Arising out of impugned final judgment and order dated 24-10-2017 in OP No. 211/2017 passed by the High Court Of Judicature At Madras)

MYCON CONSTRUCTION LTD. FORMERLY KNOWN AS
M/S THE MYSORE CONSTRUCTION COMPANY (MCC) Petitioner(s)

VERSUS

MECON LTD. Respondent(s)

(FOR ADMISSION and I.R. and IA No.112286/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.112287/2017-PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 02-11-2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Anirudh Krishnan, Adv.
Mr. Balaji Srinivasan, AOR
Ms. Pratiksha Mishra, Adv.
Mr. Abhishek Bharti, Adv.
Ms. Vaishnavi Subrahmanyam, Adv.

For Respondent(s) Ms. Nandini Sen, Adv.

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

Mr. Anirudh Krishnan, learned counsel, appearing for the petitioner, has argued the matter extremely persuasively and has raised several interesting points before us.

However, we find that the stumbling block that remains is that in the contract dated 02.03.2006 between Neyveli Lignite Corporation and the respondent before us, even on the assumption that this arbitration clause stands fully incorporated into the

Memorandum of Understanding between the petitioner and the respondent, would have no application to the petitioner and the respondent as both parts of the arbitration clause contained in the Agreement dated 02.03.2006 would necessarily have Neyveli Lignite Corporation as one of the contesting parties. Since this is not so, and the dispute is only between the petitioner and the respondent, we find no infirmity in the impugned judgment of the High Court.

The Special Leave Petition, therefore, stands dismissed.

The Section 9 order dated 23.12.2015 will continue for a period of four weeks from today. Thereafter, the petitioner may avail any other remedy available to it in law.

Pending applications filed in the matter stands disposed of.

(R. NATARAJAN)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
COURT MASTER