

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 11148 Of 2017

MMTC LTD.

...APPELLANT(S)

VERSUS

SHIV SAHAI AND SONS AND ANR.

...RESPONDENT(S)

O R D E R

Heard learned counsel for the parties.

At the joint request of the learned counsel for the parties, we appoint Hon'ble Mr. Justice R.V. Raveendran, former Judge of this Court as Arbitrator to decide all disputes arising out of Memorandum of Agreement dated 2<sup>nd</sup> April, 2008 between the parties.

The parties agree that the plaint in the suit be treated as claim of the appellants and the claim petition filed by the respondents before the Arbitrator be treated as counter claim. The said documents will be furnished by the appellant to the learned Arbitrator within a period of two weeks from today. The venue of the arbitration can be at place convenient to the Arbitrator. However, the seat of the Arbitrator will be taken to be at Chennai. The arbitrator will be at liberty to take any expert assistance.

In view of section 16 of the Court Fees Act 1870, the appellant will be entitled to move the Collector for refund of the Court fee..

The above order will supersede the Arbitration Clause 11 in the Memorandum of Agreement dated 2<sup>nd</sup> April, 2008.

Parties are at liberty to communicate with the learned Arbitrator for further proceedings.

The appeal is, accordingly, disposed of.

.....J.  
[ADARSH KUMAR GOEL]

NEW DELHI  
20<sup>th</sup> NOVEMBER, 2017

.....J.  
[UDAY UMESH LALIT]

ITEM NO.51

COURT NO.11

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

Civil Appeal No(s). 11148/2017

MMTC LTD.

Appellant(s)

VERSUS

SHIV SAHAI AND SONS AND ANR.

Respondent(s)

Date : 20-11-2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL  
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s)      Mr. P.S. Narsimhan, ASG  
                                 Mr. Sanjeev Puri, Sr. Adv.  
                                 Mr. Ashish Prasad, Adv.  
                                 Mr. Arpan Behl, Adv.  
                                 Mr. Avinash Tripathi, Adv.  
                                 Mr. Mahfooz Nazki, Adv.  
                                 Mr. M.P. Devanath, Adv.  
                                 Mr. Harish Pandey, AOR

For Respondent(s)    Ms. Indu Malhotra, Sr. Adv.  
                                 Mr. K.V. Viswanathan, Sr. Adv.  
                                 Mr. Sanjay Mehta, Adv.  
                                 Mr. Prashan Singh, Adv.  
                                 Mr. Abhishek Kaushik, Adv.  
                                 Mr. S. Dubey, Adv.  
                                 Mr. Kush Chaturvedi, AOR

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

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

Pending application(s), if any, shall also  
stand disposed of.

(MADHU BALA)  
COURT MASTER (SH)  
(sigend order is placed on the file)

(PARVEEN KUMARI PASRICHA)  
BRANCH OFFICER