

ITEM NO.13

Court 4 (Video Conferencing)

SECTION IX

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

Miscellaneous Application No.1300/2021 in S.L.P.(C) No.25458/2013

(Arising out of impugned final judgment and order dated 24-04-2017
in S.L.P.(C) No.25458/2013 passed by the Supreme Court of India)

M/S SUPREME CYLINDERS LIMITED

Petitioner(s)

VERSUS

ANURAG DEEPAK & ANR.

Respondent(s)

(With FOR ADMISSION and IA No.75153/2021-MODIFICATION OF COURT
ORDER)

Date : 27-08-2021 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. Pallav Shishodia, Sr. Adv.
Mr. Shobhit Tiwari, Adv.
Mr. Lal Pratap Singh, Adv.
Mr. Uymesh Pratap Singh, Adv.
Mr. Arjun Agarwal, Adv.
Mr. Bhaskar Aditya, Adv.
Ms. Ruchi Kohli, AOR

For Respondent(s) **Mr. Rajeev Mishra, Adv.**
 Mr. Sanand Ramakrishnan, AOR
 Mr. Sunil Narayanan, Adv.
 Mr. Sanjeev Kr. Mahara, Adv.

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

- 1 We have heard Mr Pallav Shishodia, learned senior counsel appearing on behalf of the petitioner and Mr. Rajeev Mishra, learned counsel appearing on behalf of the respondent Nos 1 to 5.

- 2 The following directions are issued with the consent of the learned counsel and on the specific instructions of the parties whom they represent, on their request:
 - (i) In substitution of the Arbitrator, who was appointed by the order of this Court dated 24 April 2017, all the disputes and differences between the parties are referred to the sole arbitration of Mr Justice Naresh H Patil, former Chief Justice of the High Court of Judicature at Bombay;

 - (ii) The proceedings shall commence from the stage which was reached before the previous Arbitrator and the arbitral award is to be made after hearing final arguments on the basis of the evidence already placed on the record;

 - (iii) No further evidence would be adduced by either of the parties and in the circumstances, the record before the previous Arbitrator shall be transmitted to the Arbitrator appointed in pursuance of the above directions and shall form the basis of the final submissions and award thereon;

- (iv) In view of the stage which has been reached in the arbitral proceedings, the fees of the Arbitrator are fixed at a lumpsum of Rs 15 lakhs;
 - (v) The above amount shall be shared between the contesting parties: the respondents shall bear 50% of the aforesaid amount, while the claimants shall between them share the balance 50% in equal proportion;
 - (vi) The previous Arbitrator whose appointment has been substituted by the above direction, shall transmit the records and papers to the learned Arbitrator who has been appointed in pursuance of the above directions; and
 - (vii) No refund is being claimed of the fees already paid to the previous Arbitrator, and no further amount shall be payable towards fees, costs and expenses.
- 3 In view of the fact that the arbitral proceedings are pending since 2017, the newly appointed Arbitrator is requested to expedite the proceedings and to deliver the arbitral award preferably within a period of four months from the date of receipt of a certified copy of this order.
- 4 All the parties have agreed to cooperate with the time schedule which has been fixed by the learned Arbitrator without seeking adjournments.
- 5 The Miscellaneous Application is accordingly disposed of.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
COURT MASTER