

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. (S) 8769 OF 2017
[Arising out of Special Leave Petition
(Civil) No.17186 of 2017]

M/S ICOMM TELE LIMITED ...APPELLANT(S)

VERSUS

M/S EMC LIMITED & ANR. ...RESPONDENT(S)

ORDER

1. Leave granted.
2. We have heard the learned counsels for the parties.
3. Upon such hearing we are of the view that the present appeal should be disposed of in the following terms:

(i) The appellant - M/s ICOMM Tele Limited shall extend the validity of the Bank Guarantees for Rs.10,45,00,125/- and Rs.9,18,24,577/- for a period of one year;

(ii) The parties may resolve their differences by arbitration subject to such orders as may be passed in this regard in the application under Section 11 of the Arbitration and Conciliation Act, 1996 which is stated to be pending before the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh.

(iii) Once and only if the arbitration commences it will be open for the respondent(s) to urge before the learned Arbitrator for transfer of the amount covered by the Bank Guarantee(s) to a interest bearing account subject to such conditions as may be considered appropriate by the learned Arbitrator.

4. With the aforesaid modification in the impugned judgment and order of the High Court, the present appeal is disposed of. We make it clear that we have not expressed any opinion on the issue of arbitrability of the disputes between the parties.

.....,J.
(RANJAN GOGOI)

.....,J.
(NAVIN SINHA)

NEW DELHI
JULY 07, 2017

ITEM NO.52

COURT NO.4

SECTION XII-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(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 17186/2017
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 30-06-2017
IN CMA NO. 628/2015 PASSED BY THE HIGH COURT OF JUDICATURE AT
HYDERABAD FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH)

M/S. ICOMM TELE LTD.

PETITIONER(S)

VERSUS

M/S. EMC LTD. & ANR.

RESPONDENT(S)

Date : 07-07-2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s)

Mr. Shyam Divan, Sr. Adv.
Mr. Karan Mehra, Adv.
Mr. Arjun D. Singh, Adv.
Ms. Manjeet Chawla, AOR

For Respondent(s)

Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Susmit Pushkar, AOR
Mr. Diwakar Maheshwari, Adv.
Mr. Karun Mehta, Adv.
Mr. Saunak Mittra, Adv.

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

Leave granted.

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

(VINOD LAKHINA)
AR-cum-PS

(ASHA SONI)
BRANCH OFFICER

[SIGNED ORDER IS PLACED ON THE FILE]