

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF FEBRUARY, 2021

PRESENT

THE HON'BLE MR.ABHAY S. OKA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SACHIN SHANKAR MAGADUM

COMAP No.17 OF 2021 C/W COMAP No.19 OF 2021

COMAP No.17/2021

BETWEEN:

LARSEN AND TOUBRO LIMITED
P.B.979, MOUNT POONAMALLEE ROAD
MANAPAKKAM
CHENNAI – 600 089
REPRESENTED BY ITS
GPA HOLDER
MR. VENKATA PRAVEEN D

... APPELLANT

(BY SHRI K.G.RAGHAVAN, SENIOR ADVOCATE FOR
SHRI HITESH KUMAR, ADVOCATE)

AND:

BHARAT HEAVY ELECTRICAL LTD. – ISG
REGIONAL OFFICE: PROF. CNR RAO CIRCLE
MALLESWARAM
BANGALORE – 560 012

... RESPONDENT

(BY SHRI ADITHYA NARAYAN, ADVOCATE)

THIS COMAP IS FILED UNDER SECTION 13(1-A) OF THE COMMERCIAL COURTS ACT 2015 READ WITH SECTION 37 OF THE ARBITRATION AND CONCILIATION ACT, 1996 PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 23.01.2021 PASSED BY THE HON'BLE LXXXIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT BENGALURU CITY (CCH 84) IN COMM. A.A. No.161 OF 2020 TO THE EXTENT THAT THE RESPONDENT IS NOT RESTRAINED FROM TAKING ANY COERCIVE ACTION INCLUDING PURSUANT TO LETTERS DATED 11.12.2020 AND

24.12.2020 IN RESPECT OF THE EXECUTION OF THE WORKS
UNDER THE PROJECT AND ETC.

COMAP No.19/2021

BETWEEN:

BHARAT HEAVY ELECTRICALS LIMITED – ISG
A GOVERNMENT OF INDIA
UNDERTAKING
HAVINGS ITS OFFICE AT
PROF. CNR RAO CIRCLE
P.B.NO.1249, IISc POST
MALLESWARAM
BANGALORE – 560 012
REPRESENTED BY ITS
AUTHORISED SIGNATORY
MR.R.BABU

... APPELLANT

(BY SHRI ADITHYA NARAYAN, ADVOCATE)

AND:

LARSEN AND TOUBRO LIMITED
HAVING ITS REGISTERED OFFICE AT
P.B.979, MOUNT POONAMALLEE ROAD
MANAPAKKAM
CHENNAI – 600 089
REPRESENTED BY ITS POWER
OF ATTORNEY HOLDER
MR. VENKATA PRAVEEN D

... RESPONDENT

(BY SHRI K.G.RAGHAVAN, SENIOR ADVOCATE FOR
SHRI HITESH KUMAR, ADVOCATE)

THIS COMAP IS FILED UNDER SECTION 13(1A) OF THE
COMMERCIAL COURTS ACT 2015 READ WITH SECTION 37 OF
THE ARBITRATION AND CONCILIATION ACT, 1996 PRAYING TO
SET ASIDE THE IMPUGNED ORDER DATED 23.01.2021 PASSED
BY THE HON'BLE LXXXIII ADDITIONAL CITY CIVIL AND
SESSIONS JUDGE AT BENGALURU CITY (CCH 84) IN COMM.
A.A. No.161 OF 2020 AND CONSEQUENTLY DISMISS THE
COMM A.A. No.161/2020 FILED BY THE RESPONDENT AND
ETC.

THESE COMAPS COMING ON FOR ADMISSION
THROUGH VIDEO CONFERENCING THIS DAY, **CHIEF JUSTICE**
MADE THE FOLLOWING:

JUDGMENT

A joint memo which is common in both the appeals is filed by the learned counsel representing parties to both the appeals. The learned counsel request the Court to dispose of both the appeals in terms of what is stated in the memo.

2. Accordingly, both the appeals stand disposed of in terms of paragraphs 1 to 6 of the memo tendered today on record. There will be no order as to costs.

3. The pending interlocutory applications do not survive for consideration and stand disposed of.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

AHB