

ITEM NO.112

COURT NO.1

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 for Special Leave to Appeal (C) Nos. 15336-15337/2021

[Arising out of impugned final judgment and order dated 08-08-2019 in OSA No. 59/2015 08-08-2019 in OSA No. 181/2015 passed by the High Court of Judicature at Madras]

GAYATRI BALASAMY

Petitioner(s)

VERSUS

M/S. ISG NOVASOFT TECHNOLOGIES LIMITED

Respondent(s)

(IA No. 100004/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 11584/2024 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 139626/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 100714/2024 - INTERVENTION APPLICATION, IA No. 100655/2024 - INTERVENTION APPLICATION, IA No. 100523/2024 - INTERVENTION APPLICATION, IA No. 85689/2024 - INTERVENTION APPLICATION, IA No. 248130/2024 - INTERVENTION APPLICATION, IA No. 176319/2024 - INTERVENTION APPLICATION, IA No. 139625/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No. 11583/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No. 21301/2024 (XIV)
(IA No. 286915/2024 - STAY APPLICATION)

SLP(C) No. 17941/2019 (XIV)

SLP(C) No. 7973/2022 (XI-A)
(IA No. 128468/2022 - EARLY HEARING APPLICATION and IA No. 63701/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 4961-4962/2024 (XII)
(FOR ADMISSION)

Diary No. 7789/2024 (XIV)
(IA No.176896/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.176897/2024-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS)

SLP(C) No. 18656-18663/2024 (IX)
(FOR ADMISSION and I.R. and IA No.184210/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 23-01-2025 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Mr. Jinendra Jain, AOR
Mr. T. Harish Kumar, AOR

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Mr. Sudarshan Lamba, AOR
Mr. Tanmay Mehta, Adv.
Mr. Prashant Singh-ii, Adv.
Ms. Aastha Singh, Adv.
Mr. Shyam Gopal, Adv.
Mr. Vishnu Shankar Jain, Adv.
Mr. Jagdish Chandra, Adv.

Mr. Ashwin Shanker, Adv.
Mr. Sanjay Grover, Adv.
Ms. Ridhi Nyati, Adv.
Ms. Vanshika Jain, Adv.
Mr. Shivrul Singh, Adv.
Mr. K.V. Mohan, AOR

Mr. Vaibhav Dang, Adv.
Mr. Amrendra Kumar Mehta, AOR

Mr. P.B. Suresh, Sr. Adv.
Mr. Samarjit Pattnaik, Adv.
Mr. Debmalya Banerjee, Adv.
Mr. Rohan Sharma, Adv.
Mr. Kartik Bhatnagar, Adv.
Mr. Vikas Gogne, Adv.
Mr. Satyam Chaturvedi, Adv.
Mr. Agastya Shelat, Adv.
Ms. Apurva, Adv.
Ms. Liza Vohra, Adv.
Ms. Tanvi Seth, Adv.
M/s. Karanjawala & Co., AOR

Mr. Arvind Datar, Sr. Adv.
Mr. Nishanth Patil, AOR
Mr. M.V. Mukunda, Adv.
Ms. Hina Shaheen, Adv.
Mr. Mithun Shashank, Adv.
Mr. M.V. Swaroop, Adv.
Mr. Hredai Sriram, Adv.

Mr. Shekhar Naphade, Sr. Adv.

Mr. Darius Khambata, Sr. Adv.

Dr. Manish Singhvi, Sr. Adv.

For Respondent(s) :

Mr. Ritin Rai, Sr. Adv.

Mr. Benny P. Thomas, Sr. Adv.

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Mr. Chritarth Palli, AOR

Mr. Vikramjit Banerjee, A.S.G. (N/P)

Mr. Sudarshan Lamba, AOR

Ms. Sathavi Asthana, Adv.

Mr. Arun Singh, Adv.

Mr. Paavan Awasthi, Adv.

Mr. Saurabh Pandey, Adv.

Ms. Manvi Sharma, Adv.

Mr. Surjendu Sankar Das, AOR

Ms. Annie Mittal, Adv.

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Mr. Lovekesh Aggarwal, Adv.

Mr. Sagar Kumar Pradhan, Adv.

Mr. Raj Kumar Khanagwal, Adv.

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Mr. Rohan Sharma, Adv.

Mr. Agastya Shelat, Adv.

Mr. Gurtejpal Singh, Adv.

Ms. Liza Vohra, Adv.

Mr. Dhruv, Adv.

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Ms. Manisha Singh, Adv.

Mr. Prakarsh Kumar, Adv.

Ms. Jyoti Singh, Adv.

Mr. Arunava Mukherjee, AOR

Mr. Shailesh Suman, AOR

Mr. Shashibhushan P. Adgaonkar, AOR

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

I.A. No. 100004/2024 in SLP(C) Nos. 15336-15337/2021 is allowed. The amount of ₹50,00,000/- (Rupees fifty lakhs only) deposited with the Registrar, High Court of Judicature at Madras, will be converted into an interest-bearing Fixed Deposit (FD) for a period of six months with an auto-renewal clause. The FD will abide by the further orders/final outcome of the appeals by special leave.

Re-list on 13.02.2025 before a Constitution Bench.

This Court will first hear arguments of the counsel seeking reconsideration of the *ratio* expressed in *Project Director, NHAI v. M. Hakeem*¹, that is, the Court has the power to modify an award under Sections 34 and 37 of the Arbitration and Conciliation Act, 1996². Thereafter, this Court will hear the counsel who support the view that the Court does not have the power to modify an Award under Sections 34 and 37 of the 1996 Act.

While examining the aforesaid question, the Court will also examine the contours and scope of the power of the Court under Sections 34 and 37 of the 1996 Act and if the power of modification exists, to what extent the same can be exercised. The question of severability will also be addressed and examined.

Written submissions, not exceeding three pages, along with judgments relied upon, will be filed by the parties on or before

1 (2021) 9 SCC 1.

2 For short, "The 1996 Act."

07.02.2025.

The learned counsel on either side shall *inter se* divide two hours-time for addressing the Court.

**(DEEPAK GUGLANI)
AR-CUM-PS**

**(R.S. NARAYANAN)
ASSISTANT REGISTRAR**