

Item Nos. 301 and 302

Court No. 7

Section XVIA

IN THE SUPREME COURT OF INDIA

IN THE CHAMBERS OF HON'BLE MR. JUSTICE ALTAMAS KABIR.

ARBITRATION PETITION NO. 12 OF 2006

Glencore International AG Co.

... Petitioner(s)

Versus

Bhatia International Ltd. M.P. (India)

... Respondent(s)

ARBITRATION PETITION NO. 13 OF 2006

Glencore International AG

... Petitioner(s)

Versus

Bhatia International Ltd. (India)

... Respondent(s)

For Petitioner (s)

Mrs. Anjali K. Varma, Adv.  
Mr. Riteen Rai, Adv.  
Mr. Niraj Gupta, Adv. for  
Ms. Meera Mathur, Adv.

For Respondent (s)

Mr. D.K. Agarwal, Sr. Adv.  
Mr. Sudhir Kumar Gupta, Adv.  
Ms. Saumya Sharma, Adv.

O R D E R

When the matter was taken up for hearing today, a preliminary objection was taken on behalf of the Respondent which goes to the very root of the filing of the Arbitration Applications. It has been pointed out that the Power of Attorney (PoA) on the strength of which these Applications have been filed, has neither been stamped nor verified by a Notary Public in the country of origin. It has also been pointed out that the PoA was valid between 12th April, 2006 and 31st December, 2006.

It was submitted that in view of the incomplete power on the basis of which the Arbitration Applications have been filed, the same were not maintainable and liable to be dismissed.

Learned counsel appearing for the Petitioner prayed for some time to take instructions in the matter.

Leave is granted to the Petitioner to file an additional affidavit if it becomes necessary to do so.

Let the matter stand over till 23rd of March, 2007 and be taken up for consideration in Court Room after the Regular Bench is over.

.....J.

New Delhi;  
February 21, 2007

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(ALTAMAS KABIR)