

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

WP(C).No. 7420 of 2015 (B)

PETITIONER(S)/PETITIONER:

**PROF. D. ARAVINDAKSHAN, AGED 55 YEARS
PROPRIETOR, A TECH ENGINEERING & MANAGEMENT
CHAVARA P O, KOLLAM, KERALA**

**BY ADVS.SRI.B.S.SWATHY KUMAR
SMT.ANITHA RAVINDRAN
SRI.A.K.RAJESH
SRI.VENKATESH GOPI
SMT.T.RESHMA**

RESPONDENT(S)/RESPONDENTS:

- 1. UNION OF INDIA
REP BY ITS SECRETARY
MINISTRY OF COMMERCE AND INDUSTRY, UDYOGA BHAVAN
NEW DELHI PIN-110001**
- 2. SPICE BOARD,
SUGANDHA BHAVAN, N H BYEPASS, PALARIVATTOM
KOCHI-682025, REP BY ITS SECRETARY**
- 3. SPICES TRADING CORPORATION OF INDIA LTD
(STCL LTD)NO 7A, STC TRADE CENTRE, 3RD FLOOR
NANDINI LAY OUT, BANGALORE, 560096
REP BY ITS MANAGING DIRECTOR**

**R1 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R BY SRI.V.ABRAHAM MARKOS**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1:- TRUE COPY OF THE AGREEMENT DTD 30/9/2013 BETWEEN THE PETITIONER AND THE 2ND RESPONDENT**
- EXT.P2:- TRUE COPY OF THE LETTER DTD 5/3/2014 ISSUED BY THE PETITIONER**
- EXT.P3:- TRUE COPY OF THE LETTER DTD 14/5/2014 ISSUED TO THE PETITIONER**
- EXT.P4:- TRUE COPY OF THE ARBITRATION NOTICE DTD 3/1/2015 ISSUED TO THE PETITIONER**
- EXT.P5:- TRUE COPY OF THE LETTER NO MKTG/SP/CHWA/LO/12/2013 DTD 16/1/2015**
- EXT.P6:- TRUE COPY OF THE PROPOSAL SUBMITTED BY THE PETITIONER DATED 15.1.15.**
- EXT.P7 TRUE COPY OF THE LETTER NO QLN/ADV 161/14-15 DTD 6/2/2015**
- EXT.P8:- TRUE COPY OF THE LETTER NO MKTG/SP/CHWA/LO/0012/2013 DTD 5/2/2015**
- EXT.P9:- TRUE COPY OF THE LETTER NO MKTG/SP/CHWA/LO/12/2013 DTD 3/2/2015**
- EXT.P10:- TRUE COPY OF THE REPLY FILED BY THE PETITIONER DTD 18/2/2015**

RESPONDENT(S)' EXHIBITS: NIL

// TRUE COPY //

PA to Judge

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.7420 of 2015 - B

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Dated this the 20th day of May, 2015

J U D G M E N T

The petitioner is aggrieved with the termination of an agreement produced at Ext.P1 and the demand made of certain amounts towards electricity charges and lease rent. The admitted facts are that, the petitioner had entered into an agreement, Ext.P1 with the respondents 2 and 3 to carry on a Spices Park in Chhindwara, Madhya Pradesh. The allegation specifically is that, the respondents 2 and 3 having not complied with their part of the contract, the petitioner was unable to carry on the Spices Park profitably and the resultant loss caused was only due to the default of the respondents 2 and 3. It is also the admitted case of the petitioner that, as per the Arbitration Clause in Paragraph 27 of Ext.P1, the petitioner has invoked the jurisdiction of the District Court by Arbitration O.P.No.60 of 2015.

2. The learned Standing Counsel appearing for the 2nd respondent also contends that, a request for arbitration is pending before this Court numbered as A.R No. 9 of 2015. In such circumstances, the petitioner having invoked the Arbitration Clause under Ext.P1 agreement, the petitioner would have to ventilate his grievances before the jurisdictional Court, in which such proceedings have been invoked and there would be no reason why this Court should extend its long arm under Article 226 of the Constitution of India.

The petitioner would be reserved the liberty to raise all contentions before the appropriate forum and the writ petition would stand closed without any observation on merits.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge