

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

WP(C).No. 13010 of 2015 (A)

PETITIONER(S):

**KANNAMPUZHA TRANSPORT,
REPRESENTED BY ITS MANAGING PARTNER, JOBY K.J.
S/O. JOHNNY, AGED 40 YEARS, KANNAMPUZHA HOUSE, PARIYARAM P.O.,
CHALAKUDY, THRISSUR DISTRICT.**

**BY ADVS.SRI.RENJITH THAMPAN (SR.)
SMT.P.R.REENA**

RESPONDENT(S):

- 1. BHARAT PETROLEUM CORPORATION LTD (COCHIN REFINERY),
IRIMBANAM, ERNAKULAM DISTRICT-682 309,
REP.BY SENIOR MANAGER (OM&S).**
- 2. CHIEF TRANSPORT MANAGER (RETAIL) SOUTH,
BHARAT PETROLEUM CORPORATION LIMITED,
RANGANADHAN GARDENS, 11TH MAIN ROAD, CHENNAI-600 040.**
- 3. CHIEF MANAGER I/C LOGISTICS (RETAIL) SOUTH,
BHARAT PETROLEUM CORPORATION LIMITED,
RANGANADHAN GARDENS, 11TH MAIN ROAD, CHENNAI-600 040.**

**R1-3 BY ADVS. SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

WP(C).No. 13010 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 :** COPY OF THE RELEVANT COPY OF E-TENDER NOTIFICATION ISSUED BY THE BHARAT PETROLEUM CORPORATION FOR THE YEAR 2015-2016.
- P2 :** COPY OF THE FORM OF THE BANK GUARANTEE TO BE SUBMITTED, COPY OF THE GENERAL IRREVOCABLE POWER OF ATTORNEY AND COPY OF THE UNDERTAKING TO BE GIVEN WHICH IS INCLUDED IN THE TENDER NOTIFICATION.
- P3 :** COPY OF THE LETTER OF INTENT DTD.6.3.2015 AND ISSUED BY BHARAT PETROLEUM CORPORATION.
- P4 :** COPY OF THE BANK GUARANTEE DTD.16.3.2015 SUBMITTED BY THE PETITIONER.
- P4(A) :** COPY OF THE INVOICE DTD.20.4.2015 ISSUED BY THE 1ST RESPONDENT.
- P5 :** COPY OF THE PERFORMA OF THE AGREEMENT, CONTAINED ALONG WITH THE TENDER NOTIFICATION.
- P6 :** COPY OF THE RELEVANT PORTION OF THE TENDER NOTIFICATION FOR THE YEAR 2012-2014.
- P7 :** COPY OF THE LETTER DTD.20.3.2015 OF THE CHIEF TRANSPORT MANAGER.
- P8 :** COPY OF THE REPLY DTD.1.4.2015 OF THE PETITIONER.
- P9 :** COPY OF THE LETTER DTD.8.4.2015 OF THE RESPONDENT.
- P10 :** COPY OF THE LETTER DTD.16.4.2015 OF THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS

- R1(A):** TRUE COPY OF THE LETTER OF INTENT ISSUED TO THE PETITIONER DATED 6/3/15
- R4(A):** PHOTOCOPY OF THE JUDGMENT IN WPC.9765/15 DATED 9/4/15.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P(C)No. 13010 of 2015

Dated this the 30th day of September, 2015

J U D G M E N T

This writ petition is filed challenging Ext.P10 order of the third respondent terminating the contract awarded to the petitioner. The petitioner submits that he had already invoked arbitration in terms of agreement. It is also submitted that arbitrator has been appointed.

2. In view of the above, this Court is of the view that the petitioner shall work out his remedy in arbitration. However, till a decision is taken by the arbitrator on interim application, interim order passed by this Court will continue. The petitioner shall move interim application before the Tribunal within two weeks from the date of receipt of a copy of this judgment.

This writ petition is disposed of as above.

sd/-

A.MUHAMED MUSTAQUE,
Judge

MBS/

