

Original Application Nos.325 and 326 of 2015**K.RAVICHANDRABAABU, J**

Original Application No.325 of 2015 is filed seeking for an order of interim injunction restraining the second respondent from engaging third parties using the equipments/materials supplied by the applicant.

2.Original Application No.326 of 2015 is filed seeking for an order of interim injunction restraining the second respondent from handing over the project completion work to any third party. Both the applications are filed under section 9 of the Arbitration and Conciliation Act.

3. A common counter affidavit is filed by the second respondent in both the applications wherein it is stated that the second respondent had engaged the service of third parties and completed the entire erection and commissioning work at the site by incurring additional expenses. This statement of fact is not seriously disputed by the other side and on the other hand, it is stated by the learned counsel appearing for the applicant that the applicant is unable to verify the correctness of such statement. The learned counsel appearing for the second respondent in support of the submission that the erection and commissioning of work has already been completed, has relied on a letter issued by the Regional Inspectorial Organisation (South), Central Electricity Authority, Chennai-6 dated 4.12.2014 granting

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approval for energising the electrical installation after inspecting the site. Perusal of the letter shows that the said authorities has given approval for energising the electrical installation.

4. Therefore, from the above stated communication, it is seen that the statement of the second respondent with regard to the completion of the entire erection and commissioning of work appears to be correct. Therefore, I find that the prayer sought for in both these applications does not survive any more. However, with regard to the rival contentions raised by the parties on merits of their dispute, needless to say that they have to be raised and contested only before the Arbitral Tribunal. Therefore, this Court is not expressing any view on the same, except closing these applications as infructuous. Accordingly, these applications are dismissed as infructuous without expressing any view on the merits and contentions raised by the parties in respect of the main dispute. As it is stated that the arbitral proceedings has already been initiated, it is for the parties to work out their remedies before the Arbitral Tribunal.

04.09.2015

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