

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 14TH DAY OF MARCH 2016

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

A. No.793 of 2016

In the matter of Section 9
II of the Arbitration &
Conciliation Act, 1996

And

In the matter of proposed
arbitral proceedings
between M/s.Renault Nissan
Automotive India Pvt.Ltd.

And

M/s.Ashok Leyland Nissan
Vehicles Ltd. as per the
Manufacturing and Assembly
Agreement dated 1st June,
2013

M/s. Renault Nissan Automotive
India Pvt Ltd
Plot No.1 SIPCOT Industrial Park
Oragadam, Mattur Po.
Kancheepuram - 602 105
Represented by its authorized signatory
Mr.Simon Tippet

..Applicant

-Vs-

1. M/s.Ashok Leyland Nissan Vehicles Limited
Kochar Towers, 19
Venkat Narayanan Road, Thiyagaraya Nagar
Chennai- 600 017

2. M/s.Asok Leyland Limited
No.1, Sardar Patel Road,
Guindy Chennai-600 032

..Respondents

Application praying that this Hon'ble Court be pleased
to pass an order stay of all further proceedings in O.S.
No.14 of 2016 on the file of the Hon'ble District Court,
Kancheepuram pending constitution of the arbitral Tribunal

This application coming on this day before this court for hearing the court made the following order:

This application is filed under Section 9 of the Arbitration and Conciliation Act, 1996 seeking to stay all further proceedings in O.S. No. 14 of 2016 on the file of the District Court, Kancheepuram, pending constitution of the Arbitral Tribunal and resulting arbitral award.

2. This application is opposed by the respondents by filing their counter affidavit.

3. Heard Mr. V.T.Gopalan, learned Senior counsel for the applicant and Mr.P.S.Raman, learned senior counsel for the respondents.

4. Since the issue involved in this application lies in a narrow campus which can be decided even without going into the merits of the matter as well as the rival contentions of the parties, I am not traversing into the allegations and counter allegations made in the pleadings for the simple reason that, already an application under Section 8 of the said Act is filed by the very same applicant before the lower Court seeking to refer the matter to the Arbitral Tribunal by contending that the

<https://hcservices.ecourts.gov.in/hcservices> between the parties is to be agitated and adjudicated upon only by such forum. Though such

application filed under Section 8 of the said Act is opposed by the respondents herein as the defendants in the said suit, including on the question of its maintainability, this Court, at this stage is not going to express any view on the merits and contentions raised in that application as it is for the trial Court to consider and decide which, admittedly, has not taken place. Therefore, it is for the Court below to take up the said application filed under section 8 of the said Act first and decide the same including the question of its maintainability, as raised by the respondents/defendants therein, without loss of further time. This Court hopes that the parties to the said suit namely, the applicant and the respondents herein would co-operate for early disposal of the said application without getting it adjourned for one reason or the another. If the said application is disposed of, there may not be any necessity for maintaining this application before this Court, as the outcome of the order to be passed in such application under Section 8 has to be worked out separately.

5. Considering the above facts and circumstances, the District Court, Kancheepuram, is directed to take up the application filed under Section 8 of the Arbitration and Conciliation Act in O.S. No. 14 of 2016 and dispose of the same on merits and in accordance with law also by considering its maintainability, within a period of two weeks from the date of receipt of copy of this order. Till

such time, both the parties are directed to maintain status quo prevailing as on today, in respect of the subject matter in the said suit. This application is disposed of accordingly.

sd/.K.R.C.B.J

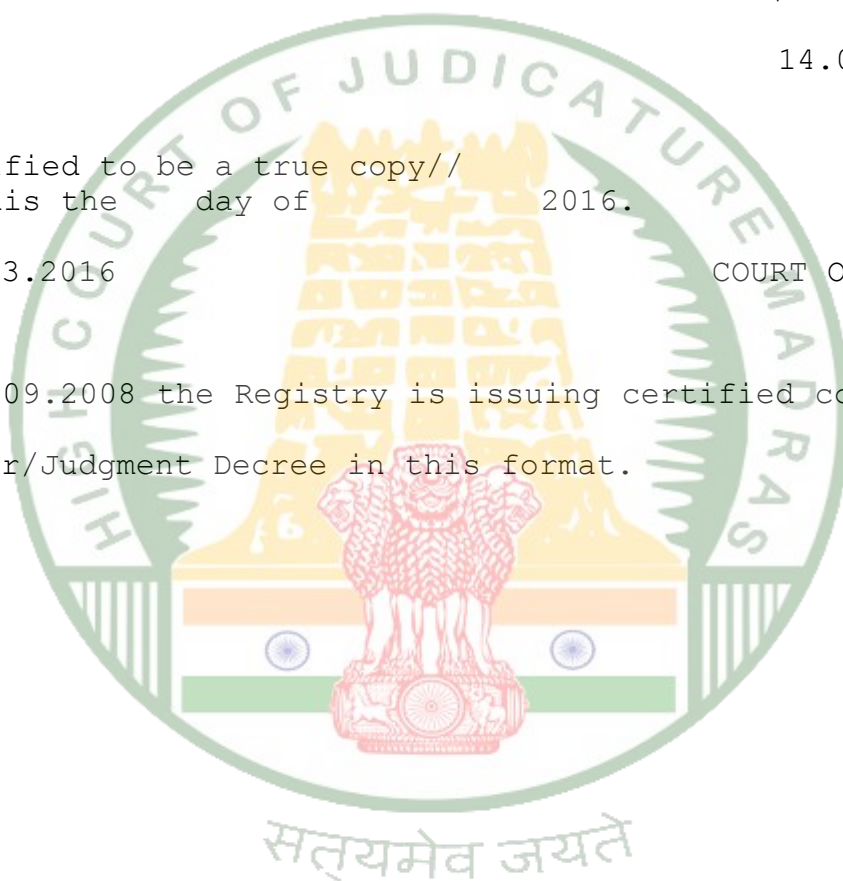
14.03.2016

//Certified to be a true copy//
Dated this the day of 2016.

S.s/15.03.2016

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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