

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE  
AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

O.S.A.No.163 of 2015

M/s.Larsen & Toubro Ltd.,  
Constructions, Buildings & Factories  
Mount Poonamallee Road,  
Manapakkam, P.B.No.979,  
Chennai.

... Appellant

-Vs-

M/s.Geodesic Techniques (P) Ltd.,  
Rep. by its Construction Manager,  
Mr.Thamizharasan, No.4, 4<sup>th</sup> Cross St.,  
Peenya Industrial Estate, 1<sup>st</sup> Stage,  
Peenya, Bangalore, Karnataka.

... Respondent

Appeal filed under Order XXXVI Rule 1 of O.S.Rules read with  
Clause 15 of the Letters Patent against the Judgment and Decree  
dated 30.04.2015 made in O.A.No.221 of 2014 on the file of  
original side of this Court.

For Appellant : Mr.R.Murari, Senior Counsel  
For M/s.Preeti Mohan

For Respondent : Mr.V.P.Sengottuvel

J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief  
Justice)

The Arbitral Tribunal has been re-constituted now and the  
next proceedings are stated to have been fixed for 3<sup>rd</sup> March,  
2016.

2.In para 33 of the impugned order, it has been made clear  
that interim protection has been granted for a period of three  
months with liberty to the parties to constitute the Tribunal

and keep the bank guarantee alive. Invocation has been permitted to the appellant if the respondent fails to obtain any orders from the Tribunal or fails to furnish the proof of extension.

3.The aforesaid order, thus, makes it quite clear that the forum was to be the Tribunal to determine the issue but on account of absence of functioning of the Tribunal as one of the Arbitrators was unwell, the appellant was compelled to approach this Court. The Tribunal is now working.

4.On discussion, it is agreed that the respondent would approach the Tribunal for interim relief within a period of thirty (30) days from today and the interim order operating under the impugned order dated 30.04.2015 would continue to operate till the Tribunal takes a call on the issue of interim relief and for a period of fifteen (15) days thereafter. Needless to say, the Tribunal would be uninfluenced by any observations made in the impugned order.

5.Original Side Appeal, accordingly, stands disposed of. No costs.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sra

To

The Sub Assistant Registrar  
Original Side, Madras High Court,  
Chennai.

+1cc to Mr.V.P.Sengottuvel, Advocate, S.R.No.12940

O.S.A.No.163 of 2015

LRS (CO)  
CA(09/03/2016)