

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :02.11.2016

Coram

THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER

O.A.No.66 of 2016

Chennai Bunkering Terminal Private Limited,
'Neladri', No.9, Cenatoph Road,
Alwarpet,
Chennai - 600 018. .. Applicant

v.

- 1 Board of Trustees Chennai
Chennai Port, No.1 Rajaji Salai, Chennai 1
- 2 Andhra Bank,
Rep by its Branch Manager, Mount Road
Chennai 2. .. Respondents

Original Petition filed under Order XIV Rule 8 of the
O.S.Rules r/w Section 9 of the Arbitration and Conciliation
Act, 1996, to Restrain the 1st Respondent from invoking
Bank Guarantee Nos. 084814IGFIN0060 for a sum of
Rs.1,36,00,000/- (Rupees one crore thirty six lakhs only)
dated 23/12/2015 drawn on the 2nd Respondent furnish by the
applicant in favour of the 1st respondent pending disposal
of the Arbitration proceedings.

For Applicant	: Mr.V.P.Raman
For Respondents	: Mr.R.Karthikeyan

ORDER

1. Mr.R.Karthikeyan, who appears for the respondents say that one Mr.A.Balraj, has been appointed as a sole Arbitrator and that this application could be placed before the sole Arbitrator for further adjudication, by being treated as an application under Section 17 of the Arbitration and Conciliation Act, (in short the '1996 Act').

2. Counsel for the applicant says that he has no objection to the aforesaid suggestion made by the counsel for the respondents.

2.1. Learned counsel, however, makes a request that the interim order dated 09.02.2016, passed by this Court, should continue to operate till the application is adjudicated upon by the learned Arbitrator.

3. Having regard to the aforesaid submissions, made before me, by the learned counsel for the parties, the captioned application is disposed of with the direction that it will be placed before the learned Arbitrator. The learned Arbitrator would adjudicate upon the same by treating it as an application under Section 17 of the 1996 Act.

3.1. It is made clear that pending adjudication, the interim order dated 09.02.2016, passed by this Court, as agreed to by the counsel for the parties, will continue to operate.

4. Needless to say, after hearing the parties, the learned Arbitrator will be at liberty to either modify or vacate or even affirm the interim order dated 09.02.2016 passed by this Court.

4.1. Furthermore, the applicant will be keep the subject bank guarantee alive till further orders of the learned Arbitrator.

5. The pleadings filed in this Court would be relied upon by the learned Arbitrator in dealing with the applications, so that no further time is wasted in the disposal of the applications unless he has a different view in the matter.

Sd/.R.S.A.J

02.11.2016

//Certified to be a true copy//

Dated this the day of 2016

S.s/04.11.2016

COURT OFFICER

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