

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2016

C O R A M:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.A. No. 397 of 2016

1. Gail (India) Ltd.,
rep. By its Zonal Deputy Manager & OIC,
7 A, Kences Towers,
No.1 Ramakrishna Street,
North Usman Road,
T. Nagar, Chennai 600 017.
2. The Authorised Signatory,
Gail (India) Ltd., Adiyakkamangalam,
GCS 36, Alivalam Village,
Thiruvavarur District. Appellants

Vs

Tamilnadu Civil Supplies Corporation,
rep. By its Managing Director,
12 Thambu Samy Road,
Kilpauk, Chennai 600 010. Respondent

Prayer:-Appeal filed under Clause 15 of Letters Patent to set aside the order dated 06.01.2016 passed in W.P. No. 25762 of 2015 as modified by order dated 11.3.2016 in WMP No.6648 of 2016.

WMP.No.6648 of 2016:Writ Petition filed Under Article 226 of the Consitution of India praying for issuance of a Writ of Certiorari calling for the records of the 2nd Respdnent relating to the Invoice NO.0214000215 generated on 07/08/2015 and quash the same.

For appellants : Mr. P.V.S.Giridhar
for
M/s. Giridhar & Sai

For respondent : Mr. C. Munusamy

J U D G M E N T

(Delivered by SATISH K. AGNIHOTRI,J.,)

Heard the learned counsel for the appellants and the learned counsel for the respondent. With the consent of the learned counsel for the parties, this writ appeal is taken up for final disposal.

2. To avoid prolixity, the parties are referred to as per their arrangement in the writ appeal.

3. The instant writ petition was filed by the respondent seeking to quash the Invoice dated 07.08.2015 raised by the second appellant on the ground that the principles of natural justice have been violated. The learned single Judge, disposed of the writ petition with liberty to the respondent to file an application under Section 9 of the Arbitration and Conciliation Act, 1996 as there is an agreement between the parties, and granted status quo for a period of four weeks to invoke the Bank guarantee. Thereafter, in a miscellaneous petition filed by the respondent, seeking to modify the order, the learned single Judge modified the order to the effect that the respondent is at liberty to work out its remedy under Clause 15.9(a) of the agreement dated 23.12.2010 governing the parties and extended the interim order for a further period of three weeks. Challenging the same, the appellants/ respondents in the writ petition have preferred the present writ appeal.

4. Learned counsel appearing for the appellants/Gail (India) Limited submits that the law on the issue as to whether any interim order may be granted after the dismissal of the writ petition is no longer res integra. According to the learned counsel, once the writ petition is dismissed on maintainability, no further interim order can be granted.

5. In the case on hand, the learned single Judge has granted an interim order for a limited period of three weeks, which is going to come to an end on 1st April 2016.

6. Having regard to the facts situation, wherein, the limited interim order granted is coming to an end on 1st April, 2016, we are not inclined to interfere with the matter leaving the question of law open to be decided in an appropriate case.

This writ appeal stands disposed of with the aforesaid observation. No costs. Connected miscellaneous petition is closed.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

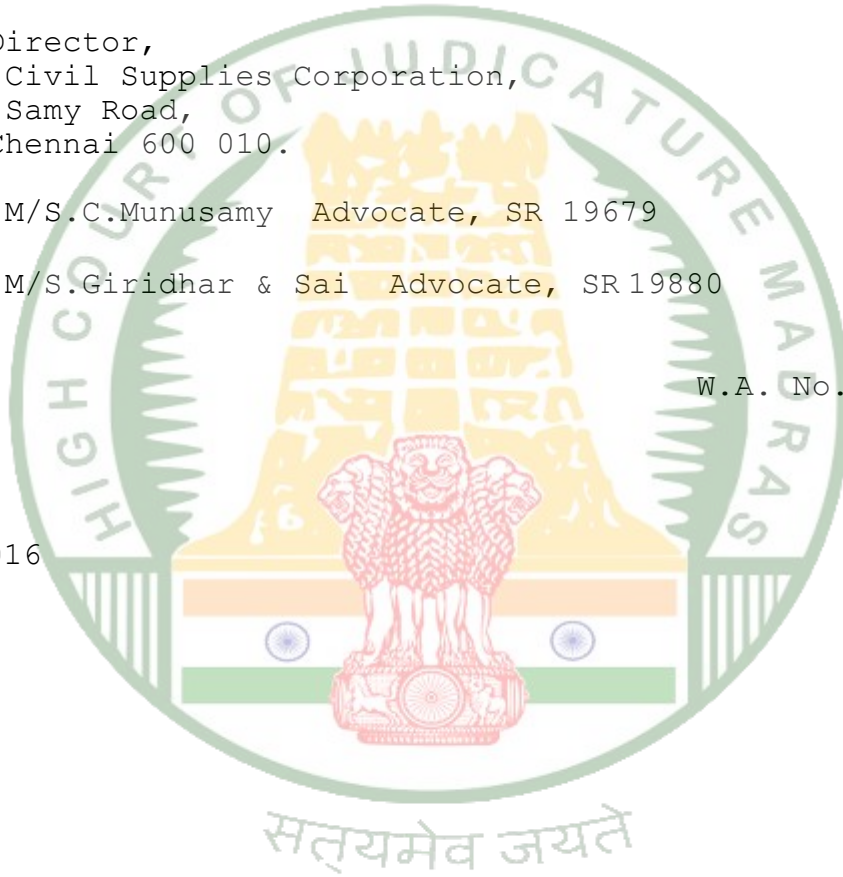
To
Managing Director,
Tamilnadu Civil Supplies Corporation,
12 Thambu Samy Road,
Kilpauk, Chennai 600 010.

+ 1 cc to M/S.C.Munusamy Advocate, SR 19679

+ 1 cc to M/S.Giridhar & Sai Advocate, SR 19880

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