

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 09TH DAY OF JANUARY 2018

THE HON'BLE DR. JUSTICE ANITA SUMANTH

O.A.No.751 of 2017

and

A.No. 4963 of 2017

and

A.No.4400 of 2017

In the matter of disputes
between S.V.Balasubramaniam,
Sole Proprietor, Sri Carpaga
Vinayagar Transport and the
Managing Director, Tamil Nadu
Civil Supplies Corporation,
Chennai arising out of
agreement dated 18.09.2015 for
and show cause notices dated
02.05.2017 and 19.07.2017.

S.V.Balasubramaniam
Sole Proprietor
Sri Carpaga Vinayagar Transport,
5A, Bharathi Nagar, Sitharkadu,
Mayiladuthurai 609 003.

..Applicant

(in all applications)

Vs

1. Tamil Nadu Civil Supply Corporation
Rep.by its Managing Director,
No.12, Thambusamy Road, Kilpauk,
Chennai - 600 010.

2. The Senior Regional Manager
Tamil Nadu Civil Supply Corporation
Collectorate Campus, Nagappattinam.

..Respondents

(in all applications)

O.A.No.751 of 2017

Original Application praying that this Hon'ble Court
be pleased to grant an order of ad-interim injunction

restraining the respondents, their men, servants, agents or any other person claiming through them from in any way blacklisting the Applicant pursuant to the show cause notices dated 02.05.2017 and 19.07.2017 in Na.Ka.No.B2/1631/2017.

A.No.4963 of 2017

Application praying that this Hon'ble Court be pleased to grant an order of ad-interim stay of the operation of the proceedings of the 2nd respondent in Proc.No.B2/1631/2017 dated 09.08.2017.

A.No.4400 of 2017

Application praying that this Hon'ble Court be pleased to issue an order of ad-interim direction directing the respondents to permit the applicant to fully participate in the tender process initiated vide tender notification Rc.No.MT9/016450/2017 dated 21.06.2017 for the Nagappattinam District issued by the 2nd respondent.

These Applications coming on this day before this court for hearing the court made the following order:-

By consent of and at the suggestion of both learned counsel, all applications are dealt with in the following terms:

2. Learned counsel for the applicant has sought for reference of disputes for resolution by arbitration on 01.08.2017. The clause for arbitration provides as follows:

'49. In the case of any dispute in the contract including the interpretation of any of clauses of the tender or the agreement, the

matter shall be referred by the Corporation/Contractor to an arbitrator who shall be selected by the party from the panel of the Arbitrators approved by the Board of directors of TNCSC Limited and communicate the same within 15 days from the date of receipt of the letter from the Corporation along with a name of an Arbitrator from the panel. If there is no reply from the contractor within 15 days, Corporation is at liberty to choose any one of the Arbitrators from the panel of Arbitrators referred to above and proceed with arbitration. The remuneration for the Arbitrator as fixed by the Board and other expenses shall be shared equally by the TNCSC Limited and the party to the Arbitration.'

3. In line with the above, a list of three nominees approved by the Board of Directors of the Tamil Nadu Civil Supplies Corporation (in short, 'Corporation') has been circulated on 09.01.2018 in proceedings No.Na.Ka.No.B2/1631/2017 dated 26.12.2017. The applicant has selected Mr.V.Boovalingam, Retired District Revenue Officer/Formerly Senior Regional Manager, Thirunelveli from and out of the panel circulated to act as Arbitrator.

4. I record the agreement and concurrence expressed by both parties for the reference to arbitration and the appointment of Mr.V.Boovalingam as sole Arbitrator. The Arbitrator may enter upon reference and adjudicate the disputes inter se the parties. He may, after issuing notice to the parties and upon hearing them, endeavour to pass an

award as expeditiously as possible, preferably within a period of four months from the date of receipt of this order. The Arbitrator is at liberty to fix his remuneration and other incidental expenses. Both parties are directed to extend full cooperation for the expeditious conduct and completion of the proceedings.

5. Interim stay already granted in A.No.4963 of 2017 shall be operational for a period of four (4) months from the date of receipt of a copy of this order.

6. Accordingly, A.No.4963 of 2017 stands disposed of.

7. Consequently, O.A.No.751 of 2017 and A.No.4400 of 2017 are closed, as nothing further survives in these applications.

Sd/-A.S.M.J
09.01.2018

//Certified to be a true copy//

Dated this the day of 2018
JJ 8/2/18

COURT OFFICER

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