

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 6TH DAY OF DECEMBER 2018

THE HON'BLE MR. JUSTICE M.GOVINDARAJ

O.A.No.495 of 2018

In the matter of Arbitration
and Conciliation Act 1996 A

and

In the matter of Disputes
between M/s.Aqua Designs India
Private Limited and Indian
Institute of Technologies under
the Tender No.34R/ 2013-
14/Civil in Agreement
No.170/14-15

M/s.Aqua Designs India Private Limited

Rep.by its Managing Director

Mr.S.Suthakar

Having its registered office at

Off.200 Feet Road,

Kolathur

Chennai 600 099.

... Applicant

-Versus-

1. The Director

Indian Institute of Technologies

Chennai -36.

2. The Superintending Engineer
Engineer Unit
Indian Institute of Technologies
Chennai -36.

3.The Branch Manager
State Bank of India
Commercial Branch
Chennai - 600 001.

4.The Sole Arbitrator
Mr.A.Manickavasagam
Residing at Plot no.7
Door No.11-A
Veekay Flats, Lakshmipuram Main Road
Velachery, Chennai - 600 042.

... Respondents

Original Application praying that this Hon'ble Court be pleased to grant Interim Injunction restraining the 2nd respondent from invoking/encashing the Bank Guarantee bearing 0734714BG0000155 date of issue: 09.09.2014 renewed on 10.05.2018 to 09.11.2018 issued by 3rd respondent bank to the tune of Rs.47,04,513/- (Forty Seven Lakhs and Four Thousand Five Hundred Thirteen only) and bank guarantee bearing 0734716BG0000068 date of issue: 08.09.2016 renewed on 01.04.2018 to 30.09.2018 issued by 3rd respondent bank to the tune of Rs.45,42,000/- (Forty Five Lakhs Forty Two Thousand only) till the matter is heard and decided by the Arbitrator.

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

When the matter was called on 22.10.2018, since there was no representation for the applicant, the matter was posted on 12.11.2018. Again the matter was adjourned to 28.11.2018 at the request of learned counsel for the applicant. On that day, there was no representation for the applicant. Therefore this Court posted the matter on 03.12.2018 under the caption 'for dismissal'.

2. On 3.12.2018 since there was no representation on behalf of the applicant, this Court directed the matter to be listed under the caption 'for dismissal' with a direction to the Registry to print the name of the applicant .

3. Even today, when the matter was called, there is no representation for the applicant. Hence, this application is dismissed for default. सत्यमेव जयते

Sd/- M.G.R.J.

06.12.2018

//Certified to be a true copy//

Dated this the day of 2018.

DL/11.12.2018

COURT OFFICER

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