

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.A.No.1972 of 2018

Sri Krishna Textiles,
a Partnership Firm
rep. by its Partner
K.S.Sundararaj,
K.Vadamadurai,
Coimbatore-641 017.

Vs

... Appellant/Petitioner

1. M/s. The Cotton Corporation of India Limited,
A Government of India Undertaking,
Branch Office,
4/2 Ashok Nagar,
Guntur-522 002.
2. The Cotton Corporation of India Limited,
A Government of India Undertaking,
Ministry of Textiles,
Kapas Bhavan, Plot No.3A,
Sector 10, CBD Belapur,
Navi Mumbai-499 614.
3. The Government of India,
Ministry of Textiles
rep. by its Secretary,
Udyog Bhavan, New Delhi-110 011. ... Respondents/Respondent

Prayer : Writ Appeal filed under Clause 15 of the Letter Patent against the order dated 30.09.2011 made in W.P.No.20280 of 2011 by a learned Single Judge.

W.P No.20280/11 Prayer :

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration or any other appropriate Writ, direction or order declaring the sale contract No.CBE/663/24.01.2011 entered into between the petitioner and the respondent as null and void and hit by the principles of force majeure besides directing the respondent herein to refund

the Earnest Money Deposit of the petitioner lying with the first respondent

For Appellant :: M/s.R.Bharath Kumar

For Respondents ::

JUDGMENT

Judgment of the Court was pronounced by HULUVADI G.RAMESH, J.)

The Writ Appeal is directed against the order dated 30.09.2011 made in W.P.No.20280 of 2011 by a learned Single Judge.

2. The matter is listed today under the caption, 'for admission'.

3. When the matter is called, it is represented that W.P.No.20280 of 2011 against which the present appeal has been filed, along with 123 cases were dismissed by the learned Single Judge by a Common Order dated 30.9.2011. Further, it is pertinent to note that Writ Appeals in W.A.Nos.216 to 223/2012 and W.A. (MD) Nos.1293 to 1297/2011 preferred against the Common Judgment, came to be dismissed by a Division Bench of this Court on 06.07.2012.

4. In this regard, it is relevant to extract paragraph 5 of the above said decision here under :

'5. We perused the entire materials available on record and we are of the opinion that since Arbitration is one of the clauses contained in the contract entered into between the parties, if the appellants are so aggrieved, they can seek declaration, with regard to the validity of the clauses contained in the contract entered into between them and the Cotton Corporation of India, before a competent civil forum. The appellant, having entered into contract with Cotton Corporation of India, which contains an arbitration clause, cannot now seek for a direction to declare the contract as null and void, which is contrary to the terms and conditions of the contract. Therefore, we see no reason to entertain the present writ appeals and they are accordingly dismissed. If the appellants are aggrieved, they can raise the issue in question before a competent civil forum. No costs. Connected miscellaneous petitions are closed.'

5. Following the same, the present Writ Appeal is also dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

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To

1. M/s. The Cotton Corporation of India Limited,
A Government of India Undertaking,
Branch Office,
4/2 Ashok Nagar,
Guntur-522 002.
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+1cc to Mr.R.Bharathkumar, Advocate SR.No.66241

सत्यमेव जयते W.A.No.1972/2018

SS (CO)

GMV (26/10/2018)

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