

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Nineteenth day of July Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE S.M. SUBRAMANIAM

WMP NO.33829 OF 2017

IN WP.1501/2016

M/S.ROADWINGS INTERNATIONAL [PETITIONER]
PVT. LTD., NO.201, JAIN ANITRISH,
OFF.ANDHERI KURLA ROAD, ANDHERI EAST,
MUMBAI-400 059.

Vs

1 UNION OF INDIA, [RESPONDENTS]
REPRESENTED BY ITS SECRETARY TO THE
GOVERNMENT OF INDIA, MINISTRY OF SHIPPING,
TRANSPORT BHAWAN, SANSAD MARG,
NEW DELHI-110001.

2 CHENNAI PORT TRUST,
REPRESENTED BY ITS CHAIRMAN,
1, RAJAJI SALAI, CHENNAI-1.

3 CHENNAI PORT STEVEDORES
ASSOCIATION, (REGN.NO.532/96), NO.72, JOSIER
STREET, I FLOOR, DR. THIRUMURTHY NAGAR,
NUNGAMBAKKAM, CHENNAI-34, REP. BY ITS
SECRETARY, GANESH RAM.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Clarify the Order of Status Quo dated 03.03.2016 made in WP No.1501 of 2016 passed by this Honble Court WP.1501/2016

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.L.CHANDRA KUMAR, FOR M/S.YOHESH KANNADASAN, Advocate for the petitioner and of MR.P.SARAVANAN, Advocate for the 1st Respondent and of MR.P.SRINIVASAN, Advocate for the 2nd Respondent and of MR.V.LAKSHMINARAYANAN, Advocate for the 3rd Respondent the court made the following order:-

The petition for clarification is filed on account of the fact that as per the Agreement between the respondents 2 and 3, Arbitrator was appointed, who in turn, proceeded with the Arbitration proceedings and the final award has not been passed on account of the order of status quo granted by this Court in the present writ petition.

2. It is represented by the learned counsel appearing for the petitioner that the writ petitioner is not a party to the arbitration proceedings and all the issues can be resolved at the time of final hearing.

3. The learned counsel appearing for the 3rd respondent made a submission that the nature of adjudication conducted before the arbitrator is in relation to the terms and conditions of the Agreement and therefore, unless the Arbitrator passes an award, it may not be possible for the parties to resolve the disputes between them.

4. The learned counsel appearing for the petitioner states that the petitioner is not a party to the arbitration proceedings. It is clarified that the subject matter of the arbitration proceedings is an agreement signed between the respondents 2 and 3. Thus, there is no impediment for the Arbitrator to pass final award based on the arbitration proceedings, already in progress and it is for the respondents 2 and 3 to proceed further in accordance with law.

5. Accordingly, the writ miscellaneous petition stands disposed of.

-sd/-
19/07/2018

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY TO
THE GOVERNMENT OF INDIA, UNION OF INDIA,
MINISTRY OF SHIPPING, TRANSPORT BHAWAN,
SANSAD MARG, NEW DELHI-110001.

2 THE CHAIRMAN,
CHENNAI PORT TRUST,
1, RAJAJI SALAI, CHENNAI-1.

3 THE SECRETARY,
CHENNAI PORT STEVEDORES ASSOCIATION,
(REGN.NO.532/96), NO.72, JOSIER STREET, I
FLOOR, DR. THIRUMURTHY NAGAR, NUNGAMBAKKAM,
CHENNAI-34,

+ 2 C.C. to M/S.YOHESH KANNADASAN Advocate Sr.No.8561

C.C. to Mr.P.SRINIVASAN, Advocate Sr.No.8569

+ 2 C.C. to MR.V.RAGHAVACHARI, Advocate Sr.Nos.8660 & 8661

Order

in
WMP.33829/2017

in
WP.1501/2016

Date :19/07/2018

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