

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2018

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

O.S.A Nos. 262 and 263 of 2018

and

C.M.P.Nos.12256, 12257, 12258 and 12259 of 2018

Ennore Tank Terminals Private Limited,
Rep by its authorized signatory,
Umesh Shedde. ..Appellant in both the appeals

-vs-

1.Kamarajar Port Limited,
2nd Floor, (North Wing) & 3rd Floor,
Jawahar building, 17, Rajaji Salai,
Chennai - 600 001.

Also at:

Central Documentation Complex (CDC Building),
Ground Floor (South Wing),
No.13, Rajaji Salai,
Chennai - 600 001.

Rep by its Directors and
Principal Officers.

..Respondent in both the appeals

Original Side Appeals filed Under Order XXXVI Rule 1 of
O.S. Rules r/w Clause 15 of the Letters Patent Appeal against
the order dated 06.06.2018 made in O.A.Nos.184 and 185 of 2018.

Prayer in O.A.Nos.184 of 2018 : O.A.No.184 of 2018 has been
filed seeking to grant an order of Interim injunction
restraining the respondent from seeking to allot or attempt to
allot Marine Liquid Terminal (MLT) or issue letter of intent
without complying with the directions passed in the Award dated
28th September 2017.

Prayer in O.A.Nos.185 of 2018 : The applicant also filed
O.A.No.185 of 2018 seeking an order of Interim Injunction
restraining the from in any manner allotting the area water
front as well as land area sought for expansion by it which is
the subject matter of the Award dated 28.09.2017 to any third

party either under MLT-II or any other project.

For Appellant : Mr.R.Sankaranarayanan,
Sr. Counsel
for Mr.K.Gowtham Kumar
in both the appeals

For Respondent : Mr.M.Ravindran,
Sr. Counsel
for Mr.Krishna Ravindran
in both the appeals

COMMON JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

These appeals are directed against the order dated 06.06.2018 made in O.A.Nos.184 and 185 of 2018.

2.The issue raised in these appeals lies on a very narrow compass. The award was passed, which both parties claim, is in their favour. Thus, the award has attained finality.

3.The appellant filed applications before the learned single Judge interalia contending that the respondent is acting contrary to the award by attempting to give licence to Terminal No.2. It appears that there was an interim order passed by the Arbitrator along with the final order permitting the respondent to proceed further with respect to Terminal No.2 subject to certain conditions.

4.The learned single Judge went into the merits and rejected the applications and hence the present appeals.

5.It has been informed by the learned senior counsel appearing for the parties that in the meanwhile execution petition filed has been numbered and notice has been ordered to the respondent. Appearance has also been entered on behalf of the respondent.

6.We find that in view of the abovesaid factual position, there is no need to adjudicate upon the appeals on merit. After all, the application filed under Section 9 of Arbitration and Conciliation Act, 1996 is by way of interim measure pending disposal of the execution petition by the learned Master.

7.In such view of the matter, we direct the learned Master

to dispose of E.P.No.124 of 2018 on or before 31.01.2019. The respondent shall file counter affidavit within a period of four weeks from today. Considering the facts and circumstances of the case, we direct the parties to maintain status quo as of now. We make it clear that the learned Master shall decide the execution petition on its own merits and in accordance with law, without being influenced by any of the observations made by the learned single Judge as well as by us.

8.With the above observation and direction, these Original Side Appeals stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

mmi

To

The Sub Assistant Registrar,
Original Side, High Court, Madras.

+lcc to Mr.Krishna Ravindran, Advocate SR.No.86099

O.S.A.No.262 and 263 of 2018

NMI (CO)
GMY (11/01/2019)

सत्यमेव जयते

WEB COPY