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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 24TH DAY OF JULY 2018

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

O.P. No.267 of 2011

In the matter of Section 34 of
the Arbitration & Conciliation
Act, 1996

And

In the matter of Agreement
dated 12.09.2005 between
M/s.Faqir Chand Vinod Kumar &
Co. New Delhi, and Tamil Nadu
Civil Supplies Corporation
Ltd., Chennai

and

In the matter of Arbitration
Award dated 19/21.08.2008

Faqir Chand Vinod Kumar & Co.,
No.4094-95, Naya Bazaar,
Delhi-110 006.

... Petitioner

-Versus-

1. Tamil Nadu Civil Supplies Corporation Ltd.,
rep. by its Chairman cum Managing Director,
Head Office No.12, Thambusamy Road,
Kilpakam, Chennai-600 010.

2. Mr.Mithulal Jain,
70, Govindappa Naicken Street,
Chennai-600 010.

3. Mr.V.Bhoovalingam,
No.133, 8th Street,
Arulanadammal Street,
Thanjavur-613 007.

... Respondents

Original Petition praying that this Hon'ble Court may
be pleased to:-

a) set aside the Award dated 19/21.08.2008 passed by
the Third Respondent, the Arbitrator;

b) set aside the Award dated 20.02.2008 passed by the
third respondent;

c) to order the first respondent to pay costs to the
petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

This Original Petition coming on this day before this
Court for hearing in the presence of Mr.K.Manoj Menon,



Advocate for the petitioner herein and Mr.C.Selvaraj, advocate for the 1st respondent herein and the respondents 2 & 3 herein not appearing in person or by advocate and upon reading the petition and the awards dated 19/21.08.2008 and 20.02.2008 filed herein and this Court having observed that no document has been filed by the first respondent to establish the loss suffered by them on account of alleged breach of contract committed by the petitioner and the Arbitrator without considering the objections raised by the petitioner in accordance with law and without any supporting document filed by the first respondent in support of their claim has erroneously passed an Award and in the award excepting for reproducing the claim statement as well as the objections raised by the petitioner, the Arbitrator has not given proper and valid reasons for allowing the claim made by the first respondent, for the foregoing reason, this Court is of the considered view that the findings of the Arbitrator are perverse and consequently the Arbitral Award is patently illegal, it is ordered as follows:-

That the award dated 19.08.2018 passed by the 3rd respondent herein against the petitioner herein be and is hereby set aside.

2. That the 3rd respondent herein, shall be at liberty to initiate fresh arbitration against the petitioner in accordance with law.

WITNESS THE HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 24TH DAY OF JULY 2018.

Sd./-

ASSISTANT REGISTRAR(O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER(O.S.)



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O.P. No.267 of 2011

ORDER:-

DATED: 24.07.2018

THE HON'BLE MR.JUSTICE
ABDUL QUDDHOSE

FOR APPROVAL:06/09/2018

APPROVED ON : 06/09/2018