

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 18TH DAY OF JANUARY 2019

THE HON'BLE MR. JUSTICE M.GOVINDARAJ

O.A. No. 585 of 2018

In the matter of the
Arbitration and Conciliation
Act 1996

And

In the matter of Agreement
dated 05.08.2010 between
The Chief Engineer,
Irrigation and FC
Department, Jammu and GVR
Infra Projects Ltd for Jammu
Barrage Project

GVR Infra Projects Ltd.,
No.47 & 49 Bazullah Road,
T.Nagar, Chennai 600 017
Represented by its Authorised Signatory
Mr.Karuparthi Satya Narayana Murthy : Applicant

-Vs-

1. The Chief Engineer
Irrigation & FC Department,
Jammu.

2. The Superintending Engineer
Hydraulic Circle, Jammu.

3. The Executive Engineer
Irrigation Division No.1
Jammu.

4. State Bank of India
Trade Finance CPC
231, II Floor, Chennai 600 001.

5. IDBI Bank Ltd.,
Trade Finance Department
480, Anna Salai, Nandanam,
Chennai 600 035.

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6. Punjab National Bank
 Large Corporate Branch (D No.030500)
 Rayala Towers, III Floor,
 158, Anna Salai, Chennai 600 002. : Respondents

Original Application praying that this Hon'ble Court be pleased to grant an interim injunction restraining the first respondent from terminating the contract and from taking up the said work through some other agencies at the risk and cost of the Applicant and invoking the Bank Guarantees issued by the fourth, fifth and sixth respondents till Arbitration proceedings are completed.

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

This application is filed by the applicant seeking an order of interim injunction restraining the first respondent from terminating the contract and from taking up the said work through some other agencies at the risk and cost of the applicant and invoking the Bank Guarantees issued by the respondents 4, 5 and 6 till Arbitration proceedings are completed.

2. Heard the learned counsel for the applicant.

3. Considering the facts and circumstances of this case, this Court vide order dated 19.12.2018 has granted interim injunction restraining the respondents 1 to 3 from invoking the bank guarantee issued by 4, 5 and 6th respondents till interim orders are passed by the Arbitrator. The content of the said order is as follows:

"In so far as the jurisdiction for raising arbitration is concerned, it is an admitted fact the Clause 12 of the

terms and conditions of the contract specifically states that in case of disputes, if any, all the Govt. proceedings shall be confined to jurisdiction of Jammu & Kashmir Courts at Jammu / or Arbitrators acceptable to both the parties. The resolution of dispute through arbitration is not specifically restricted to the the jurisdiction of Jammu. When there is a disputed question of fact with regard to seat of Arbitrations exists and that more than 84% of the work has been completed, the interest of the applicant shall be protected till Arbitrator passes an order"

However, interim injunction, in respect of terminating the contract was not granted and liberty was granted to the respondents to work out their remedies in the manner known to law. Therefore, no further order is necessary in this application and the same stands disposed. Accordingly, this application stands closed.

Sd/- M.G.R.J.

18.01.2019

//Certified to be a true copy//

Dated this the day of 2019.

DL/25.01.2019

COURT OFFICER

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