

O.A.No.424 of 2019**R.SURESH KUMAR,J.**

This Court by order dated 16.04.2019 has passed the following order:

"Considering this prima facie case as well as the balance of convenience, this Court is inclined to pass the following order:

"That the second respondent hereby is restrained from issuing any No Objection Certificate / approval / consent letter for sale / sub-lease to the first respondent relating to the land and building in the property bearing Plot No.B-15, SIPCOT Industrial Park, Oragadam, Chennai for making any third party right / encumbrance in the said property till 30.04.2019."

2. On notice, Mr.R.Thiagarajan, learned counsel appearing for the first respondent submitted that, the issue has already been referred to the Arbitrator, for which, a former Judge of this Court has already been named and appointed as Sole Arbitrator to decide the issues arises between the parties.

3. In this context, the learned counsel would further submit that, not only the applicant has referred the claim, but also the first respondent has made a counter claim against the respondents.

4. Be that as it may, since it is the claim and the counter claim, that can be decided only by the Arbitrator. However during the pendency of the Arbitration, to make any interim arrangement, party can approach this Court strictly in accordance with Section 9 of the Act. It is his submission that, this application cannot be entertained and interim injunction cannot be granted prohibiting the first respondent from getting NOC for a lawful purpose.

5. At the same time, the learned counsel for the respondent further submitted that, in order to have security over the alleged due payable by the respondent to the applicant, the respondent voluntarily come forward to furnish security to the extent of Rs.40,00,000/- and on such furnishing security, the interim prohibitory order passed by this Court, dated 16.04.2019 restraining the second respondent from issuing NOC to the first respondent can be vacated.

6. I have heard the learned counsel appearing for the applicant, in this regard. He would also agree that, if the respondents have come forward to furnish security to the extent of Rs.40,00,000/- as claimed by him, it is sufficient to have an interim arrangement, provided that, it shall be without prejudicial to the claim of the

applicant as well as the respondents by way of claim and counter claim before the Arbitrator.

7. By taking in to account the said submission made by both side, this Court is inclined to pass the following order:

"That the first respondent herein shall furnish security for a sum of Rs.40,00,000/- before the Assistant Registrar-II (Original Side) High Court of Madras, within a period of two weeks from the date of receipt of a copy of this order."

8. In view of such furnishing security, this Court feels that, the interim prohibitory order passed by this Court dated 16.04.2019 can no longer be continued and the said order is hereby vacated.

With the above modified order and direction, this original application is disposed of.

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30.04.2019

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